

Belinda Hernandez

CAUSE NO. DC-20-00410

ROC RINER,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
SIGMA CHI CORPORATION; RISK	§	
MANAGEMENT FOUNDATION;	§	DALLAS COUNTY, TEXAS
SIGMA CHI FRATERNITY -	§	
THETA KAPPA CHAPTER,	§	
ALEJANDRO SANTANA, LUCAS	§	
THOMASON, and TRAVIS WILLIS,	§	
	§	
Defendants.	§	____th JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE COURT:

Plaintiff Roc Riner files his Original Petition and Request for Disclosure, complaining of Defendants Sigma Chi Corporation, Sigma Chi Fraternity-Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, and Travis Willis, and states:

I.
DISCOVERY CONTROL PLAN

Plaintiff affirmatively pleads that he seeks monetary relief aggregating more than \$50,000, and request that the Court enter a Discovery Control Plan pursuant to Discovery Control Level III.

II. PARTIES

1. Plaintiff Roc Riner is a resident of Dallas County, Texas.

2. Defendant Sigma Chi Corporation is an Illinois corporation doing business in the State of Texas. This non-resident Defendant is to be served through the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, because this Defendant has not designated or maintained a resident agent for service of process in Texas. (*See* TEX. CIV. PRAC. & REM. CODE §17.044). Pursuant to TEX. CIV. PRAC. & REM. CODE §17.045, by duplicate copies, the Texas Secretary of State shall mail a copy of the process to this Defendant's registered agent: Michael J. Church, 1714 Hinman Avenue, Evanston, Illinois 60201.

3. Defendant Risk Management Foundation is an Illinois corporation doing business in the State of Texas. This non-resident Defendant is to be served through the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701, because this Defendant has not designated or maintained a resident agent for service of process in Texas. (*See* TEX. CIV. PRAC. & REM. CODE §17.044). Pursuant to TEX. CIV. PRAC. & REM. CODE §17.045, by duplicate copies, the Texas Secretary of State shall mail a copy of the process to this Defendant's registered agent: William T. Eveland, 161 North Clark Street, Suite 4200, Chicago, Illinois 60601.

4. Defendant Sigma Chi Fraternity - Theta Kappa Chapter is an unincorporated association organized and existing under the laws of the State of Texas at the time this cause of action arose, with its principal location at 1108 Greek Row, Arlington, Texas 76013. Service of process on this Defendant may be completed by serving its President, Armando Valdez, Jr., at 140 Meadow Glen, Coppel, TX 75022.

5. Defendant Alejandro Santana is an individual residing in Tarrant County, Texas. Service of process on this Defendant may be completed by serving him at his residence, 2104 Riverforest Drive, Arlington, Texas 76017.

6. Defendant Lucas Thomason is an individual residing Pima County, Arizona. Service of process on this Defendant may be completed by serving him at his residence, 17438 Memorial Crest Drive, Spring, Texas.

7. Defendant Travis Willis is an individual residing in Dallas County, Texas. Service of process on this Defendant may be completed by serving him at his residence, 1602 Seevers Avenue, Dallas, Texas 75216.

III. **JURISDICTION & VENUE**

1. Jurisdiction is proper in this Court because the amount in controversy exceeds the minimum jurisdictional requirements of this Court.

2. Venue is proper in Dallas County pursuant to §15.001 *et seq.* of the

Texas Civil Practice & Remedies Code because at least one defendant resides in Dallas County, Texas.

IV.
CLAIM FOR RELIEF

Plaintiff seeks relief in accordance with TEX. R. CIV. P. 47(c)(5) monetary relief over \$1,000,000.

V.
FACTUAL BACKGROUND

1. On March 25, 2019, Plaintiff Roc Riner was a student and fraternity pledge to Defendant Sigma Chi Fraternity – Theta Kappa Chapter at the University of Texas at Arlington. Upon the instruction of Defendant Alejandro Santana initially and then Defendant Travis Willis, Riner arrived with three other Sigma Chi Fraternity pledges to the house of Defendant Lucas Thomason around 7:30pm. Inside Thomason’s house, Defendants Santana, Thomason, and Willis, along with one Sigma Chi alumnus, hazed Plaintiff. Plaintiff was blindfolded and his phone was taken away from him. Plaintiff was forced to move furniture, recite literature, drink beer and liquor, and do physical exercises for several hours.

2. Then with loud music blarring inside the vehicle, Defendant Willis then drove Plaintiff to the Sigma Chi Fraternity house on Greek Row on the campus of the University of Texas at Arlington. Plaintiff and the other pledges were led upstairs

to the bathroom where loud music was playing. Plaintiff was hazed again. Plaintiff was blindfolded again, forced to dance while others sprayed him with water and yelled into his face for about an hour.

3. Plaintiff was then led downstairs to perform a ritual and then hazed outside with over 30 people around. Plaintiff was forced to get down on his knees, drinking about $\frac{3}{4}$ of a 750ml bottle of Honey Jack liquor. Plaintiff blacked out and then was told later that he had also drunk the rest of the bottle. As a result of the above described hazing, Plaintiff Roc Riner sustained serious injuries. Plaintiff was hospitalized with alcohol poisoning with a blood-alcohol level of 0.45 percent and later had to withdraw from school.

4. At all relevant times in question, Defendant Sigma Chi Corporation owned, organized, funded, controlled, maintained and/or operated an all-male social fraternity, organized into chapters at various institutions of higher learning throughout the United States of America and Canada, including Defendant Sigma Chi Fraternity – Theta Kappa Chapter and Defendant Risk Management Foundation.

5. At all relevant times in question, Defendant Risk Management Foundation provided each chapter of the Sigma Chi Fraternity with policies, guidelines, certificates, contracts, agreements, and other materials pertaining to risk management. Many of these policies, guidelines, certificates, contracts, agreements,

and other materials purport to address the management of risks created by the use, purchase, sale, service and/or consumption of alcohol by fraternity members and their guests and party planning. This Defendant controlled and operated the risk management of Defendants Sigma Chi Corporation and Sigma Chi Fraternity - Theta Kappa Chapter.

6. At all relevant times in question, individual Defendants Alejandro Santana, Lucas Thomason, and Travis Willis were students and active members and agents or alter egos of Defendants Sigma Chi Corporation, Risk Management Foundation, and Sigma Chi Fraternity - Theta Kappa Chapter. At all relevant times in question, Defendant Alejandro Santana was also the “Magister” or the pledge class advisor.

VI.
CAUSES OF ACTION AGAINST DEFENDANTS SIGMA CHI
CORPORATION AND SIGMA CHI FRATERNITY - THETA
KAPPA CHAPTER

1. Plaintiff incorporates by reference the facts cited above.

2. Each Defendant, acting through its members, agents and officers, owed a duty to exercise ordinary care in its operation to admit pledges in to its fraternity, specifically Plaintiff, which Defendant breached on the occasion in question. Violations of local and state laws constitute negligence *per se*.

3. Violations, negligent acts, and omissions by each Defendant on the

PLAINTIFF’S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE - Page 6 of 13

occasion in question, acting by and through their employees, officers, members, and agents, are:

- A. Engaging in hazing under Tex. Educ. Code § 37.153, which states: “(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.”
- B. Intentionally, knowingly, or recklessly acting against Plaintiff on the occasion in question for the purpose of pledging into Sigma Chi Fraternity involving calisthenics activities subjecting Plaintiff to an unreasonable risk of harm or that adversely affected the mental or physical health or safety of Plaintiff,
- C. Intentionally, knowingly, or recklessly acting against Plaintiff on the occasion in question for the purpose of pledging into Sigma Chi Fraternity involving consumption of alcohol and liquor that subjected Plaintiff to an unreasonable risk of harm or that adversely affected the mental or physical health or safety of Plaintiff,
- D. Failing to maintain adequate policies and procedures to prevent incidents of hazing, such as occurred against Plaintiff,
- E. Failing to enforce adequate policies and procedures to prevent incidents of hazing, such as occurred against Plaintiff, and
- F. Failing to adequately train its employees, officers, members, and agents to prevent incidents of hazing, such as occurred against Plaintiff.

4. At all relevant times, Defendants Sigma Chi Corporation and Sigma Chi Fraternity-Theta Kappa Chapter, along with Defendant Risk Management Foundation engaged in a joint enterprise, and are jointly and severally liable, for

conduct of each Defendant.

5. Prior to the incident in question, Defendants were aware of hazing and dangerous misconduct within its local chapters around the country, and in particular with Defendant Sigma Chi Fraternity-Theta Kappa Chapter, but did not adequately protect Plaintiff against such potentially dangerous conduct.

6. Each Defendant's breach, singular or together, constitutes negligence and/or gross negligence. Each Defendant's breach proximately cause of the incident in question and Plaintiff's resulting injuries and damages.

VII.
CAUSE OF ACTION AGAINST DEFENDANT RISK MANAGEMENT
FOUNDATION

1. Plaintiff incorporates by reference the facts cited above.

2. Defendant Risk Management Foundation provided each chapter of the Sigma Chi Fraternity with policies, guidelines, certificates, contracts, agreements, and other materials pertaining to risk management. Many of these policies, guidelines, certificates, contracts, agreements, and other materials purport to address the management of risks created by the use, purchase, sale, service and/or consumption of alcohol by fraternity members and their guests and party planning. This Defendant controlled and operated the risk management of Defendants Sigma Chi Corporation and Sigma Chi Fraternity - Theta Kappa Chapter.

3. Defendant owed a duty to exercise ordinary care in promulgating policies, procedures, and rules to admit pledges into the Sigma Chi fraternity, specifically Plaintiff, which Defendant breached on the occasion in question. Violations, negligent acts, and omissions by Defendant on the occasion in question are:

- A. Failing to create adequate policies and procedures to prevent incidents of hazing, such as occurred against Plaintiff,
- B. Failing to maintain adequate policies and procedures to prevent incidents of hazing, such as occurred against Plaintiff,
- C. Failing to enforce adequate policies and procedures to prevent incidents of hazing, such as occurred against Plaintiff, and
- D. Failing to adequately train Sigma Chi fraternity officers, members, and agents to prevent incidents of hazing, such as occurred against Plaintiff.

4. At all relevant times, Defendant Risk Management Foundation with Defendants Sigma Chi Corporation and Sigma Chi Fraternity-Theta Kappa Chapter engaged in a joint enterprise, and are jointly and severally liable, for conduct of each Defendant.

5. Prior to the incident in question, Defendant was aware of hazing and dangerous misconduct within the Sigma Chi fraternity, and in particular with Defendant Sigma Chi Fraternity-Theta Kappa Chapter, but did not adequately protect Plaintiff against such potentially dangerous conduct.

6. Defendant's breaches, singular or together, constitutes negligence and/or gross negligence. Defendant's breach proximately cause of the incident in question and Plaintiff's resulting injuries and damages.

VIII.
**CAUSES OF ACTION AGAINST DEFENDANTS ALEJANDRO
SANTANA, LUCAS THOMASON, AND TRAVIS WILLIS**

1. Plaintiff incorporates by reference the facts cited above.

2. Each Defendant owed a duty to exercise ordinary care to Plaintiff, which Defendant breached on the occasion in question. Violations of local and state laws constitute negligence *per se*. Violations, negligent acts, and omissions by each Defendant on the occasion in question are:

- A. Engaging in the hazing incident in question against Plaintiff and
- B. Soliciting, encouraging, directing, aiding, or attempting to aid others in engaging in the hazing incident in question against Plaintiff.

3. Prior to the incident in question, each Defendant was aware of the potential dangers of hazing but did not adequately protect Plaintiff against such conduct.

4. Each Defendant's breach, singular or together, constitutes negligence and/or gross negligence. Each Defendant's breach proximately cause of the incident in question and Plaintiff's resulting injuries and damages.

IX.
DAMAGES

1. As a result of the incident described herein, Plaintiff suffered a traumatic medical emergency with almost six times the legal limit of blood alcohol content in his body and has incurred medical expenses in the past and in all reasonable probability such medical expenses will continue in the future.

2. Plaintiff has experienced mental anguish and emotional distress in the past and in all reasonable probability such mental anguish and emotional distress will continue in the future.

3. Plaintiff has experienced physical pain and suffering in the past and in all reasonable probability such physical pain and suffering will continue in the future.

4. Plaintiff has experienced physical impairment in the past.

5. Plaintiff will suffer lost earning capacity in the future.

6. Plaintiff has incurred other post-incident expenses in the past.

X.
EXEMPLARY DAMAGES

Plaintiff's injury resulted from each Defendant's gross negligence or malice, which entitles Plaintiff to exemplary damages under TEXAS CIVIL PRACTICE & REMEDIES CODE §41.003(a).

XI.
REQUEST FOR DISCLOSURE

1. Pursuant to Rule 194, TEX. R. CIV. P., Defendants are requested to disclose to Plaintiff, within fifty (50) days of service of this request, the information or material described in Rule 194.2(a) through (l) to be produced at the Turley Law Firm, 1000 Turley Law Center, 6440 North Central Expressway, Dallas, Texas 75206 during normal business hours.

XII.
CLAIM FOR PRE-JUDGMENT AND POST-JUDGMENT INTEREST

Plaintiff claims interest at the maximum legal rate from March 25, 2019, or as allowed by law, on damages he has suffered.

XIII.
JURY DEMAND

Plaintiff requests that a jury be convened to try the factual issues in this case.

XIV.
PRESERVATION OF EVIDENCE

The Defendants are hereby given notice that any document or other material, including electronically stored information, that may be evidence or relevant to any issue in this case is to be preserved in its present form until this litigation is concluded.

XV.
PRAYER

WHEREFORE, Plaintiff prays that Defendants be served and cited to appear and answer herein, and upon final hearing of this cause, that Plaintiff have judgment against Defendants, jointly and severally, for damages described herein, for cost of suit, interest as allowable by law, and for such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

TURLEY LAW FIRM

/s/ T Nguyen

T Nguyen

State Bar No. 24051116

6440 North Central Expressway

1000 Turley Law Center

Dallas, Texas 75206

Telephone No. 214/691-4025

Telecopier No. 214/361-5802

Email: tn@wturley.com

ATTORNEY FOR PLAINTIFF

CAUSE NO. _____

ROC RINER,

Plaintiffs,

v.

SIGMA CHI CORPORATION; RISK
MANAGEMENT FOUNDATION;
SIGMA CHI FRATERNITY -
THETA KAPPA CHAPTER,
ALEJANDRO SANTANA, LUCAS
THOMASON, and TRAVIS WILLIS,

Defendants.

§ IN THE DISTRICT COURT

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DALLAS COUNTY, TEXAS

____th JUDICIAL DISTRICT

PLAINTIFF’S FIRST SET OF INTERROGATORIES TO ALL DEFENDANTS

TO: Defendants, Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, and Travis Willis.

PLEASE TAKE NOTICE that you are required pursuant to Rule 168 of the Texas Rules of Civil Procedure to serve upon the undersigned, within fifty (50) days after service of this notice, your answers, in writing and under oath, to the following Interrogatories.

Respectfully submitted,

TURLEY LAW FIRM

/s/ T Nguyen

T Nguyen

State Bar No. 24051116

6440 North Central Expressway

1000 Turley Law Center

Dallas, Texas 75206

Telephone No. 214/691-4025

Telecopier No. 214/361-5802

Email: tn@wturley.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's First Set of Interrogatories to Defendants is being served along with Plaintiff's Original Petition.

/s/ T Nguyen

T Nguyen

DEFINITIONS APPLICABLE TO INTERROGATORIES

The following terms are defined and used in these Interrogatories as follows:

1. **“PERSON”** means natural person, corporations, partnerships, sole proprietorships, unions, associations, federations, or any other kind of entity.
2. **“PLAINTIFF”** means the party bringing this suit.
3. **“DEFENDANT”** means all representatives of said Defendant acting or purporting to act on their behalf with respect to any matter inquired about in these Interrogatories, including, but not limited to, all employees, consultants, agents or other representatives.
4. **“YOU” or “YOUR” or “YOURS”** means Defendants as defined above and all representatives acting or purporting to act on their behalf with respect to any matter inquired about in these Interrogatories including, but not limited to, agents, employees, representatives, investigators, or other representatives.
5. **“OCCURRENCE’ OR ‘INCIDENT’ MADE THE BASIS OF THIS SUIT”** means the incident or accident described in Plaintiff’s pleadings, including the injuries to Plaintiff, and the acts by which the Defendants is alleged to have caused Plaintiff’s injuries and damages.
6. **“STATEMENT”** includes any written or graphic statement signed or otherwise adopted or proved by the person making it, and any stenographic, mechanical, electrical or other record or transcription thereof which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded, as stated in T.R.C.P.

7. **“IDENTIFY”** or **“IDENTITY OF”** when referring:
- (a) to a person, means to state his or her full name, present or last known business or residential street address, city, state, zip code, telephone number, and job description and/or job title;
 - (b) to a public or private corporation, partnership, association, or other organization or to a governmental agency, means to state its full name and present or last known pertinent business street address, city, state, zip code and telephone number;
 - (c) to a statement, means to identify who made it, who took it or recorded it, and to identify who has present or last known possession, custody or control thereof;
 - (d) to a document, means to give a reasonably detailed description thereof, including, if applicable, when, where and how it was made; to identify who made it, and to identify who has present or last known possession, custody or control thereof.

INSTRUCTIONS

1. The answers shall be signed by the person(s) making them and not by the attorney.
2. If you cannot answer in full after exercising due diligence to secure the information, so state in your answer, and to the extent possible, answer stating whatever information or knowledge you have.
3. In answering these Interrogatories, the Defendants are requested to furnish all information, including hearsay, in possession of the Defendants' attorneys, agents, investigators, employees, independent contractors, and all other persons acting on behalf of the Defendants, and not merely such information known of the personal knowledge of the person answering these interrogatories.

INTERROGATORY NO. 1: Has Defendant entered into any agreement, compromise or arrangement with any other person or entity with regard to the occurrence made the basis of this lawsuit? If the answer is “yes,” then please provide:

- (a) The full name and address of any such party or entity;
- (b) State the nature of such arrangement or agreement;
- (c) Whether it is an oral or written agreement; and
- (d) The date made.

ANSWER:

INTERROGATORY NO. 2: Set forth the causes and/or conditions which you contend caused or contributed to cause the injuries complained of by Plaintiff.

ANSWER:

INTERROGATORY NO. 3: Identify each and every law, code, regulation and/or standard which Defendant contends is applicable to the incident resulting in this cause of action, with regard to either the product in question or any acts and/or omissions concerning the product.

ANSWER:

INTERROGATORY NO. 4: State the name, address and telephone number of any and all individuals from whom Defendant has obtained a statement or who has been interviewed by Defendant with regard to this cause of action.

ANSWER:

INTERROGATORY NO. 5: For each Request for Admission served on you to which you responded with anything other than a full, unqualified admission, describe with specificity the basis for each such denial or qualification.

ANSWER:

INTERROGATORY NO. 6: Identify each and every individual who was present at the incident in question involving Roc Riner, including the address of the location where the events took place.

ANSWER:

INTERROGATORY NO. 7: Identify each and every lawsuit related to hazing or related to any pledge of Sigma Chi Fraternity to which you have been or now are a party to, excluding this lawsuit.

ANSWER:

INTERROGATORY NO. 8: Identify each and every settlement related to hazing or related to any pledge of Sigma Chi Fraternity to which you have been a released party, including but not limited to the names of the parties, date, and location.

ANSWER:

INTERROGATORY NO. 9: Identify who or which insurance policy is paying for your defense in this lawsuit.

ANSWER:

INTERROGATORY NO. 10: Describe the policies and/or procedures known to you that applied to the topic of hazing of pledges effective on the date of the incident in question.

ANSWER:

INTERROGATORY NO. 11: Please identify each and every infraction, warning, or the like, from any higher education institution to Defendant at any time from 2009 to present, including but not limited to, results and length of suspension, if any.

ANSWER:

INTERROGATORY NO. 12: Identify each and every incident related to alcohol service or alcohol consumption prior to the incident in question for which Defendant had been involved.

ANSWER:

INTERROGATORY NO. 13: Identify each and every incident related to alcohol service or alcohol consumption prior to the incident in question for which Defendant had been made aware, not included in the response to Interrogatory No. 12.

ANSWER:

INTERROGATORY NO. 14: State the mission statement of Sigma Chi Fraternity.

ANSWER:

INTERROGATORY NO. 15: Describe the relationship or affiliation between and among the named Defendants.

ANSWER:

CAUSE NO. _____

ROC RINER,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
SIGMA CHI CORPORATION; RISK	§	DALLAS COUNTY, TEXAS
MANAGEMENT FOUNDATION;	§	
SIGMA CHI FRATERNITY -	§	
THETA KAPPA CHAPTER,	§	
ALEJANDRO SANTANA, LUCAS	§	
THOMASON, and TRAVIS WILLIS,	§	
	§	
Defendants.	§	____th JUDICIAL DISTRICT

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION TO
ALL DEFENDANTS**

TO: Defendants, Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, and Travis Willis.

Plaintiff, Roc Riner, serves this Request for Production to Defendant pursuant to TEX.R.CIV.P. 196, to be answered within fifty (50) days after service.

Respectfully submitted,

TURLEY LAW FIRM

/s/ T Nguyen

T Nguyen

State Bar No. 24051116

6440 North Central Expressway

1000 Turley Law Center

Dallas, Texas 75206

Telephone No. 214/691-4025

Telecopier No. 214/361-5802

Email: tn@wturley.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's First Request for Production to All Defendants is being served along with Plaintiff's Original Petition.

/s/ T Nguyen

T Nguyen

INSTRUCTIONS

1. Defendant shall produce all documents and materials described herein which are in their possession, custody or control, and permit inspection, copying, or reproduction thereof by Plaintiffs, their attorneys, or other persons acting on their behalf, to T Nguyen at the Turley Law Firm, 6440 N. Central Expressway, 1000 Turley Law Center, Dallas, Texas 75206.
2. The documents produced in response to this document request shall be:
 - (a) organized and designated to correspond to the categories in the document request; or
 - (b) produced in a form that accurately reflects how they are maintained by Defendant in the normal course of business, including but not limited to the following:
 - (i) that all associated file labels, file headings, and file folders be produced together with the respective documents for each file and that each file be identified as to its owner or custodian;
 - (ii) that all pages now stapled or fastened together be produced stapled or fastened together; and
 - (iii) that all documents which cannot be legibly copied be produced in their original form.
3. The terms “**AND**” and/or “**OR**” shall be construed either disjunctively or

conjunctively whenever appropriate in order to bring within the scope of this document request any documents which might otherwise be considered beyond its scope.

4. The singular form of a word shall be interpreted as plural and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of this document request any documents which might otherwise be considered to be beyond its scope.

5. Defendant shall include in their response to each request in this document request whether Defendant claim that any document responsive thereto has been lost or destroyed, is privileged or is otherwise unavailable.

6. If a privilege is asserted, an appropriate privilege should be provided.

7. This document request is continuing as to require supplemental responses in accordance with Rule 193.5 of the Texas Rules of Civil Procedure if additional documents specified herein are obtained or discovered between the time of responding to this document request and the final disposition of this lawsuit.

8. In answering this Request for Production of Documents, Defendant is requested to furnish all non-privileged documents, including hearsay, in possession of Defendant's attorneys, agents, investigators, employees, independent contractors, and all other persons acting on behalf of Defendant, and not merely such documents within the control of the person responding to this request.

9. If you object to any Request for Production or any portion thereof on the grounds that it requests information that is privileged, then attach a privilege log, including:

- (a) the nature of the privilege or doctrine you claim;
 - (i) the title and number of the request to which the document is responsive;
 - (ii) identify the document;
 - (iii) identify all persons known to you who have seen the document;
 - (iv) the date the document was prepared or otherwise originated;
 - (v) the name of each person who signed or prepared the document;
 - (vi) to whom the document was directed or addressed;
 - (vii) the nature or character of the document;
 - (viii) the name and last known address of the persons having possession, custody, or control of the document;
 - (ix) the specific objection upon which you rely in refusing production of the document.

- (b) If an oral communication is the subject of your claim of privilege or exemption from discovery, so state and further:
 - (i) identify it;
 - (ii) identify all persons known to you whom the substance of the oral communication has been disclosed; and
 - (iii) state whether any document records or refers to the communication and identify each such document.

10. Plaintiff requests that Defendant produce any items responsive to these Requests for Production, by either email to: (tn@wturley.com; roxanam@wturley.com) or by CD-Rom

or DVD, or by uploading the items through a secure internet connection for download by Plaintiff.

DEFINITIONS APPLICABLE TO REQUEST FOR PRODUCTION

The following terms are defined and used in these requests as follows:

1. **“PERSON”** means natural person, corporations, partnerships, sole proprietorships, unions, associations, federations, or any other kind of entity.
2. **“DEFENDANT”** means Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, or Travis Willis, and all representatives of Defendant acting or purporting to act on their behalf with respect to any matter inquired about in this Request for Production, including, but not limited to, all employees, consultants, agents or other representatives.
4. **“YOU”** or **“YOUR”** or **“YOURS”** means Defendant as defined above and all representatives acting or purporting to act on their behalf with respect to any matter inquired about in this Request for Production including, but not limited to, agents, employees, representatives, investigators, or other representatives.
5. **“OCCURRENCE” OR “INCIDENT MADE THE BASIS OF THIS SUIT”** means occurrence described in Plaintiff’s pleadings, including the injuries to Plaintiff, and the acts by which the Defendant is alleged to have caused Plaintiff’s injuries and damages.
6. **“STATEMENT”** is defined as stated in T.R.C.P. 192.3(h).
7. **“DOCUMENTATION”** or **“DOCUMENT”** or **“RECORD(S)”** is defined as stated in T.R.C.P. 192.3(b).

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Every statement, whether written or oral, made by:

- a. Plaintiff Roc Riner;
- b. Defendant Sigma Chi Corporation;
- c. Defendant Risk Management Foundation;
- d. Defendant Sigma Chi Fraternity – Theta Kappa Chapter;
- e. Defendant Alejandro Santana;
- f. Defendant Lucas Thomason;
- g. Defendant Travis Willis;
- h. any witness to the incident made the basis of this lawsuit; and
- i. any person identified by any party as a person with knowledge of relevant facts;

in connection with the incident made the basis of this lawsuit, or any other issue relevant to this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All photographs and visual depictions of any kind whatsoever, including but not limited to video tapes, graphs, charts, maps, motion pictures, x-rays, drawings, blue prints and slides of:

- a. Plaintiff Roc Riner;

- b. Plaintiff Roc Riner's injuries;
- c. Defendant Sigma Chi Corporation;
- d. Defendant Risk Management Foundation;
- e. Defendant Sigma Chi Fraternity – Theta Kappa Chapter;
- f. Defendant Alejandro Santana;
- g. Defendant Lucas Thomason;
- h. Defendant Travis Willis;
- i. the scene of the incident made the basis of this lawsuit;
- j. any reconstruction, experiment, test or survey; and
- k. any witnesses involved in the incident made the basis of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents, records, reports, notations and memoranda relating to any insurance claims made by you as a result of the incident made the basis of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents and recorded data of any kind obtained by you through a Deposition on Written Questions in this lawsuit, to include the questions propounded to and answers provided by deponents. This request specifically includes, but is not limited to the following:

- a. records of medical treatment and/or psychological treatment received by Plaintiff, including records of diagnostic tests, CT scans, x-rays, MRI's, sonograms, thermograms, EMG's, beam studies and EEG's;
- b. records of medical bills incurred by Plaintiff Roc Riner;
- c. employment records of Plaintiff Roc Riner;
- d. wage records of Plaintiff Roc Riner; and
- e. records of any law enforcement agency.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents and recorded data or any kind memorializing or otherwise describing claims or lawsuits filed by or against Plaintiff. This request specifically includes, but is not limited to:

- a. Southwest Index Bureau documents;
- b. worker's compensation claims;
- c. lawsuit petitions and complaints;
- d. social security disability claims;
- e. unemployment compensation claims; and
- f. depositions, interrogatories and other discovery documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents and recorded data or any kind memorializing or otherwise describing claims or lawsuits filed by or against Defendant. This request specifically includes, but is not limited to:

- a. lawsuit petitions and complaints;
- b. unemployment compensation claims; and
- c. depositions, interrogatories and other discovery documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: All written documents and recorded data of any kind describing or otherwise memorializing any arrest or conviction of Plaintiff Roc Riner, which you intend to use at trial. This request is Plaintiff's request for notice made in accordance with Tex.R.Evid. 609(f).

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All written documents and recorded data of any kind, including Depositions on Written Questions; documents obtained by Depositions on Written Questions; and documents obtained by use of an authorization provided by Plaintiff, that describe or otherwise memorialize past, present and/or future earnings or earning capacity of Roc Riner. This request specifically includes, but is not limited to:

- a. personnel files;

- b. pay stubs;
- c. accounting records;
- d. income tax returns, including all supporting documents; and
- e. employment applications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: All written documents and recorded data of any kind, including Depositions on Written Questions; documents obtained by Depositions on Written Questions; and documents obtained by use of an authorization provided by Plaintiff, that describe or otherwise memorialize Roc Riner's educational background. This request specifically includes, but is not limited to:

- a. all school transcripts;
- b. disciplinary records; and
- c. scholastic aptitude, achievement and testing records.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All written documents or other recorded data describing or otherwise memorializing the opinions of consulting experts whose opinions or impressions have been reviewed by a testifying expert designated by any party to this lawsuit. This request includes, but is not limited to, depositions, trial testimony transcripts and written reports of such consulting experts in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: All reports, memoranda, notes or documents regarding the investigation of the incident made the basis of this lawsuit by any state, federal, municipal or county agency or university.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: All documents relating to every arrest and conviction of any Defendant for any crime during the ten (10) year period prior to the incident made the basis of this lawsuit to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: All documents regarding each and every hazing incident, other than the incident made the basis of this suit, in which any Defendant has been involved during the ten (10) year period prior to the incident made the basis of this lawsuit to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All documents obtained by you pursuant to any authorization signed by Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All documents which reflect, depict or discuss any injury or claims for injuries of Plaintiff Roc Riner which occurred before the incident made the basis of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All pleadings from any lawsuit related to hazing or related to any pledge of Sigma Chi Fraternity to which you have been or now are a party to, excluding this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: A true and correct copy of the driver's license of Alejandro Santana, Lucas Thomason, and Travis Willis.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: All documents and tangible things relied upon by Defendant in responding to Plaintiff's Request for Admissions.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: All documents and tangible things relied upon by Defendant in responding to Plaintiff's Request for Disclosures.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: All documents and tangible things relied upon by Defendant in responding to any Interrogatories served upon this Defendant by Plaintiff.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Please provide any document that reflects a right to indemnity that runs either from or to any Defendant in this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Please provide a copy of the Defendant's Record Retention Policies, both at the present time and the policies that were in effect at the time of the occurrence of the facts and/or incident complained of in this action. Please advise if any documents have already been destroyed or transferred to any other person, company, or attorney.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Please provide any and all documents related to the topic of hazing of pledges effective on March 25, 2019.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Please provide any and all documents

related to requirements for membership to Sigma Chi Fraternity effective on March 25, 2019.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Please provide any and all documents related to infractions, warnings, or the like, from any higher education institution to Defendant at any time from 2009 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Please provide by-laws for Sigma Chi Fraternity, Sigma Chi Corporation, and Risk Management Foundation effective in 2019.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Please provide Articles of Incorporation for Sigma Chi Fraternity, Sigma Chi Corporation, and Risk Management Foundation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: Please provide Policies and/or Procedures related to alcohol service and/or consumption.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Please provide documentation of each and every incident related to alcohol service or alcohol consumption prior to the incident in question for which Defendant had been involved.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Please provide documentation of each and every incident related to alcohol service or alcohol consumption prior to the incident in question for which Defendant had been made aware, not included in the response to Request for Production No. 33.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Please provide documentation of the mission statement for Sigma Chi Fraternity.

RESPONSE:

CAUSE NO. _____

ROC RINER,

Plaintiffs,

v.

SIGMA CHI CORPORATION; RISK
MANAGEMENT FOUNDATION;
SIGMA CHI FRATERNITY -
THETA KAPPA CHAPTER,
ALEJANDRO SANTANA, LUCAS
THOMASON, and TRAVIS WILLIS,

Defendants.

§ IN THE DISTRICT COURT

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§ DALLAS COUNTY, TEXAS

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_____th JUDICIAL DISTRICT

**PLAINTIFF’S FIRST REQUEST FOR ADMISSIONS TO ALL
DEFENDANTS**

TO: Defendants, Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, and Travis Willis.

COMES NOW Plaintiff, Roc Riner, and respectfully propounds the following Request for Admissions to Defendants, Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, and Travis Willis pursuant to Tex.R.Civ.P. 198. You are hereby further requested to serve upon undersigned counsel, within fifty (50) days after receipt of this document, during normal business hours, at the Turley

Law Center, 6440 North Central Expressway, Suite 1000, Dallas, Texas 75206, a sworn statement, either admitting or denying specifically the facts herein listed or setting forth in detail the reasons why you cannot truthfully admit or deny these facts. Each of the facts hereinafter listed shall be deemed admitted unless you make and deliver a sworn statement in response, as provided by the Texas Rules of Civil Procedure.

Respectfully submitted,

TURLEY LAW FIRM

/s/ T Nguyen

T Nguyen

State Bar No. 24051116

6440 North Central Expressway

1000 Turley Law Center

Dallas, Texas 75206

Telephone No. 214/691-4025

Telecopier No. 214/361-5802

Email: tn@wturley.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's First Request for Admissions to Defendants is being served along with Plaintiff's Original Petition.

/s/ T Nguyen

T Nguyen

DEFINITIONS APPLICABLE TO REQUEST FOR ADMISSIONS

The following terms are defined and used in these requests as follows:

1. **“PERSON”** means natural person, corporations, partnerships, sole proprietorships, unions, associations, federations, or any other kind of entity.
2. **“PLAINTIFF”** means the party bringing this suit, including Roc Riner and all representatives of Plaintiff acting or purporting to act on his behalf with respect to any matter inquired about in this request for admissions including, but not limited to, all employees, consultants, agents, adjusters, or any other representative.
3. **“DEFENDANT”** means Sigma Chi Corporation; Risk Management Foundation; Sigma Chi Fraternity – Theta Kappa Chapter, Alejandro Santana, Lucas Thomason, or Travis Willis, and all representatives of Defendant acting or purporting to act on their behalf with respect to any matter inquired about in this Request for Admissions, including, but not limited to, all employees, consultants, agents or other representatives.
4. **“YOU”** or **“YOUR”** or **“YOURS”** means Defendant as defined above and all representatives acting or purporting to act on their behalf with respect to any matter inquired about in this Request for Admissions including, but not limited to, agents, employees, representatives, investigators, or other representatives.
5. **“OCCURRENCE MADE THE BASIS OF THIS SUIT”** means the

incident described in Plaintiff's pleadings, including the injuries to Plaintiff, and the acts by which the Defendants caused Plaintiff's injuries and damages.

6. **"STATEMENT"** includes any written or graphic statement signed or otherwise adopted or proved by the person making it, and any stenographic, mechanical, electrical or other record or transcription thereof which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

7. **"DOCUMENTATION"** or **"DOCUMENT"** or **"RECORD(S)"** includes, but is not limited to, the following items, whether printed or recorded or reproduced by other mechanical process or produced by hand: agreements, communications, reports, charges, complaints, correspondence, telegrams, memoranda, applications, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, schedules, charts, graphs, work sheets, reports, notebooks, note charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports or records of investigations or negotiations, opinions or reports of consultants, bills, statements, invoices, and all other writings of whatever nature, photographs, motion picture film, brochures, pamphlets, advertisements, circulars, press releases, drafts, letters, tape recordings, disks, data sheet or data processing cards, any marginal comments appearing on any document or thing or any other

written cover, recorded or transcribed, filed or graphic master, however reproduced, to which Defendants or their agents, representatives or attorneys will have had access.

8. **“IDENTIFY”** or **“IDENTITY OF”** when referring:

- (a) to a person, means to state his or her full name, present or last known business or residential street address, city, state, zip code, telephone number, and job description and/or job title;
- (b) to a public or private corporation, partnership, association, or other organization or to a governmental agency, means to state its full name and present or last known pertinent business street address, city, state, zip code and telephone number;
- (c) to a statement, means to identify who made it, who took it or recorded it, and all others, if any, present during the making thereof; to state when, where, and how it was taken or recorded, and to identify who has present or last known possession, custody or control thereof;
- (d) to a document, means to give a reasonably detailed description thereof, including, if applicable, when, where and how it was made; to identify who made it, and to identify who has present or last known possession, custody or control thereof.

9. **“INCIDENT IN QUESTION”** or **“INCIDENT”** means the incident that occurred on or about March 25, 2019, as more fully described in Plaintiff’s Original Petition.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that Defendant has been correctly named in the present cause of action insofar as the legal designation of said name is concerned.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that venue is proper in Dallas County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that jurisdiction is proper in the District Court of Dallas County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Admit that you were aware or had been made aware of other hazing incidents prior to the incident in question.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Admit that you were aware or
PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS - Page 7 of 10

had been made aware of the potential dangers of hazing prior to the incident in question.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Admit that on March 25, 2019, Sigma Chi Fraternity – Theta Kappa Chapter was a member of Risk Management Foundation.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Admit that on March 25, 2019, Alejandro Santana was a member of the Sigma Chi Fraternity – Theta Kappa Chapter.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Admit that on March 25, 2019, Lucas Thomason was a member of the Sigma Chi Fraternity – Theta Kappa Chapter.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Admit that on March 25, 2019,

Travis Willis was a member of the Sigma Chi Fraternity – Theta Kappa Chapter.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Admit that Alejandro Santana

is a current member of the Sigma Chi Fraternity.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Admit that Lucas Thomason is

a current member of the Sigma Chi Fraternity.

RESPONSE:

REQUEST FOR ADMISSION NO. 12: Admit that Travis Willis is a

current member of the Sigma Chi Fraternity.

RESPONSE:

REQUEST FOR ADMISSION NO. 13: Admit that Sigma Chi

Corporation provides funding to Sigma Chi Fraternity – Theta Kappa Chapter.

RESPONSE:

REQUEST FOR ADMISSION NO. 14: Admit that Sigma Chi

Corporation operates and all-male social fraternity.

RESPONSE:

REQUEST FOR ADMISSION NO. 15: Admit that Alejandro Santana

was known as the “magister” or pledge class advisor in March of 2019.

RESPONSE: