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Deaths spur suits against Tech fraternities 09-21-2004

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Herald Editor, From The Plainview Daily Herald

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Holding fraternities liable for student deaths following pledge retreats in 2001 and 2002 is the basis of separate lawsuits, including one filed on behalf of a Plainview family.

A suit against Tau Kappa Epsilon alleges hazing and sleep deprivation led to the accident that caused the death of Plainview High graduate Clay Warren two years ago today.

Delta Sigma Phi and 49 members are accused of several violations of Tech policy and Texas law in the death of Zachary Mullins of Grapevine in 2001.

The fraternities say no wrongdoing occurred.

"The allegations of the complaint are extremely unfortunate and unfounded," said TKE chief executive officer Kevin Mayeux, who described the retreat as a camping trip for members to get to know pledges. There was no hazing activity involved," he told the Lubbock Avalanche-Journal.

The suit brought by Warren's parents, Mark and Freada Warren through an Austin law firm, maintains, however, that the retreat was not an innocent camping trip, but a full night of hazing where pledges were only allowed a minimum amount of sleep.

Warren died a week after a car accident near Lake Mackenzie when the driver of the vehicle he was riding in fell asleep on the way home from the event at Palo Duro Canyon.

Named in the suit are TKE as well as 47 other members of the fraternity all accused as being negligent parties to the accident.

"The basis of this suit is that the fraternity took pledges far away from campus, kept them up all night, provided alcohol to minors and did not provide safe transportation back to the campus," said Michelle Cheng, an attorney with the Austin law firm of Whitehurst, Harkness, Ozmun and Brees.

She said unspecified monetary damages will be sought.

Mark Warren declined comment on the suit today.

The Warrens have provided two Clay Warren Memorial Scholarships, signage for the PHS Choir Hall, equipment for the PHS Chamber Singers in their son's memory and other scholarships have been provided through the Kiwanis Club of which Mark Warren is a member. Clay Warren was a member of the PHS A Cappella Choir and Chamber Singers before his graduation in May 2002.

The suit against DSP claims the death of Zachary Mullins, then 20, of Grapevine, was the fault of DSP members who kept pledges awake with 15 minutes of sleep during a two-night period. The suit, which has been on file for about one year, alleges a detailed account of hazing whereby pledges were required to wade into a vat of rancid water filled with ice and human waste.

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