



AlaFile E-Notice

43-CV-2009-900055.00

To: JULIA A. BEASLEY
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

MICHAEL G. JONES v. SIGMA PHI EPSILON FRATERNITY ET AL
43-CV-2009-900055.00

The following complaint was FILED on 1/26/2009 12:25:37 PM

Notice Date: 1/26/2009 12:25:37 PM

CORINNE T. HURST
CIRCUIT COURT CLERK
LEE COUNTY, ALABAMA
104 JUSTICE CENTER
OPELIKA, AL 36801

334-749-7141
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**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
43-CV-200

Date of Filing:
01/26/2009



ELECTRONICALLY FILED
1/26/2009 12:25 PM
CV-2009-900055.00
CIRCUIT COURT OF
LEE COUNTY, ALABAMA
CORINNE T. HURST, CLERK

GENERAL INFORMATION

**IN THE CIRCUIT OF LEE COUNTY, ALABAMA
MICHAEL G. JONES v. SIGMA PHI EPSILON FRATERNITY ET AL**

First Plaintiff: Business Individual Government Other
First Defendant: Business Individual Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonnes
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP-Contempt of Court
- CONT-Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD-Eviction Appeal/Unlawful Detainer
- FORJ-Foreign Judgment
- FORF-Fruits of Crime Forfeiture
- MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB-Protection From Abuse
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

ORIGIN: F **INITIAL FILING** A **APPEAL FROM DISTRICT COURT** O **OTHER**
R **REMANDED** T **TRANSFERRED FROM OTHER CIRCUIT COURT** _____

HAS JURY TRIAL BEEN DEMANDED? Yes No

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: BEA039 1/26/2009 12:21:38 PM /s JULIA A. BEASLEY

MEDIATION REQUESTED: Yes No **Undecided**

COMPLAINT

STATEMENT OF THE PARTIES

1. Taylor G. Jones is a minor whose date of birth is July 9, 1990, and who resides in Montgomery County, Alabama.

2. Michael G. Jones, the father of Taylor G. Jones, a minor, is over the age of nineteen years and resides in Montgomery County, Alabama.

3. Defendant Sigma Phi Epsilon Fraternity is a national fraternity organization whose headquarters is located in Richmond, Virginia. This Defendant is responsible for establishing policy for and supervising the local Sigma Phi Epsilon fraternity chapter at Auburn University in Auburn, Alabama, in Lee County, Alabama.

4. Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, believed to be an unincorporated fraternity organization, is located on the campus of Auburn University in Auburn, Alabama.

5. Defendant Sigma Phi Epsilon Fraternity sets rules, policy, standards and regulations for Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, and its members.

6. Defendant Zachary James Quillen (hereinafter "Defendant Quillen") is believed to be 18 years of age and is a member of the Sigma Phi Epsilon fraternity. He currently resides in Lee County, Alabama.

7. Fictitious Defendant "A" is the person, company, organization or corporation responsible for providing security at the Sigma Phi Epsilon fraternity house whose true and correct names are unknown at this time, but will be substituted by amendment when ascertained.

8. Fictitious Defendant "B" is the person, company, organization or corporation responsible for setting policy and providing safety to individuals on the Sigma Phi Epsilon fraternity house premises whose true and correct names are unknown at this time, but will be substituted by amendment when ascertained.

9. Fictitious Defendant "C" is the person, company, organization or corporation responsible for setting policy, including safety, on the Sigma Phi Epsilon fraternity house premises.

10. Fictitious Defendants "D", "E", and "F" are any other persons, companies, organizations, corporations or entities who may be responsible for the injuries and damages to Plaintiff whose true and correct names are unknown at this time, but will be substituted by amendment when ascertained.

STATEMENT OF THE FACTS

11. At all times material hereto, Defendant Sigma Phi Epsilon Fraternity was responsible for establishing rules, regulations, policies and procedures for Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, and was responsible for ensuring that the local chapter of the fraternity followed all such rules, regulations, policies and procedures.

12. At all times material hereto, Defendant Quillen was a member of Sigma Phi Epsilon, Alabama Alpha Chapter.

13. At all times material hereto, Defendant Quillen was a member of under the control of Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter.

14. At all times material hereto, Defendants Sigma Phi Epsilon Fraternity and

Sigma Phi Epsilon, Alabama Alpha Chapter, owed a duty to persons entering the premises of the fraternity, including Taylor G. Jones, to provide adequate security and to ensure safety on the premises.

15. The fraternal Defendants had a duty to provide adequate security and to ensure safety at the band party at the Sigma Phi Epsilon fraternity house on the date referred to herein and to protect persons on the premises from violent acts.

16. Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, assumed a duty to provide adequate security on the premises at the band party at the Sigma Phi Epsilon fraternity house and to protect persons on the premises from violent acts.

17. On January 10, 2009, Taylor G. Jones was on the premises of the Sigma Phi Epsilon fraternity house which is located at 926 West Magnolia Avenue on the campus of Auburn University in Auburn, Lee County, Alabama, as an invitee.

18. A band party sponsored by Sigma Phi Epsilon was taking place on the fraternity's premises on January 10, 2009, and was still going during the early morning hours of January 11, 2009.

19. On January 11, 2009, Taylor G. Jones entered the Sigma Phi Epsilon fraternity house with several other individuals at the invitation of a member.

20. At said time and place, there were no posted signs stating the party was for members of the fraternity only and there was no sign-in required for individuals who sought to enter the premises.

21. After Taylor G. Jones entered the premises, a member of the Sigma Phi Epsilon fraternity told him to leave.

22. After being asked to leave, Taylor G. Jones attempted to leave the Sigma Phi Epsilon fraternity house and premises.

23. At said time and place, Defendant Quillen assaulted Taylor G. Jones, causing him to fall on the concrete, strike his head, lose consciousness, and sustain severe injuries.

COUNT ONE

24. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

25. At the aforesaid time and place, Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, negligently failed to provide proper and adequate security and negligently failed to ensure safety on the premises of the fraternity.

26. Due to the failure of Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, to provide proper and adequate security, Defendant Quillen was allowed to assault Taylor G. Jones.

27. As a proximate consequence of the negligence of Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, as aforesaid, Taylor G. Jones was injured and damaged as follows: he suffered severe bodily injuries; he suffered severe physical pain and suffering and he will continue to suffer physical pain and suffering in the future; he suffered mental pain and emotional distress and will continue to suffer mental pain and emotional distress in the future; he was required to have medical treatment; he was hospitalized; and he has incurred medical expenses and will continue to incur expenses in the future; and he has been otherwise injured and

damaged.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, in such an amount of compensatory damages as a jury may award and the costs of this action.

COUNT TWO

28. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

29. At said time and place, Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, wantonly failed to provide proper and adequate security and wantonly failed to ensure safety on the premises of the fraternity.

30. As proximate consequence of the wantonness of Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, as aforesaid, Taylor G. Jones was injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

COUNT THREE

31. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

32. At all times material hereto, Defendant Quillen was performing a service

for Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, by standing at an entrance to the fraternity house during the band party and was making decisions on who could enter the premises.

33. Defendant Quillen did not have any visible identification which would identify him as being a “security guard.”

34. Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, authorized Defendant Quillen to assume the role of “bouncer” and/or to safely monitor persons on the premises of the fraternity for the party.

35. At all times material hereto, Defendant Quillen was acting as an agent of Defendant Sigma Phi Epsilon, Alabama Alpha Chapter.

36. At the aforesaid time and place, Defendant Quillen owed a duty to act reasonably in carrying out his duties and responsibilities as a “bouncer” and in any other role which he was fulfilling for Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, on the premises of the fraternity, including safely escorting Taylor G. Jones off the premises without inflicting harm upon him.

37. At the aforesaid time and place, Defendant Quillen negligently or wantonly failed to use reasonable care in providing security and/or crowd control for said fraternity.

38. At the aforesaid time and place, Defendant Quillen committed an assault on Taylor G. Jones.

39. As a proximate consequence of Defendant Quillen’s wrongful conduct, Taylor Jones was injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his

father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

COUNT FOUR

40. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

41. At aforesaid time and place, Taylor G. Jones was attempting to leave the Sigma Phi Epsilon premises when Defendant Quillen committed an assault and battery on him.

42. As proximate consequence of the assault by Defendant Quillen, as aforesaid, Taylor Jones was severely injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, and Defendant Quillen in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

COUNT FIVE

43. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

44. At said time and place, Defendant Quillen and other members of the Sigma Phi Epsilon, Alabama Alpha Chapter, knew that Taylor G. Jones had been

assaulted on the premises of said fraternity and that he was badly injured.

45. Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, by and through members of Sigma Phi Epsilon, Alabama Alpha Chapter, knew, or should reasonably have foreseen, that Taylor G. Jones had suffered injuries that required immediate medical assistance.

46. Sigma Phi Epsilon, Alabama Alpha Chapter, owed a duty to Taylor G. Jones to call the police and/or to call for professional medical assistance for him.

47. Sigma Phi Epsilon, Alabama Alpha Chapter, negligently or wantonly failed to call the police and/or negligently or wantonly failed to call for professional medical assistance for Taylor G. Jones.

48. As a proximate consequence of the negligence or wantonness of Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, Taylor G. Jones was injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, and Defendant Quillen in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

COUNT SIX

49. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

50. This Count is based on Respondeat Superior because at all times material hereto, Defendant Quillen, a member of Defendant Sigma Phi Epsilon, Alabama Alpha

Chapter, was acting as agent, employee and/or servant of Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, and was acting within the line and scope of his authority as a member of Sigma Phi Epsilon.

51. In that Defendant Quillen was an agent of Sigma Phi Epsilon at the aforesaid time and place, Defendants Sigma Phi Epsilon Fraternity and Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, are liable for the negligent or intentional wanton acts of Defendant Quillen.

52. As a proximate consequence of the negligence or intentional acts of wantonness of Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, Taylor G. Jones was injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, and Defendant Quillen in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

COUNT SEVEN

53. Plaintiff realleges paragraphs 1 through 23 of the Complaint as if set out here in full.

54. At all times material hereto, Defendant Sigma Phi Epsilon Fraternity negligently or wantonly supervised Defendant Sigma Phi Epsilon, Alabama Alpha Chapter.

55. Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, negligently or wantonly supervised Defendant Quillen.

56. As a proximate result of the negligence or wantonness of Defendant Sigma Phi Epsilon Fraternity and Defendant Sigma Phi Epsilon, Alabama Alpha Chapter, Taylor G. Jones was injured and damaged as alleged in paragraph 27 above.

WHEREFORE, Plaintiff Taylor G. Jones, a minor, who sues by and through his father and next friend, Michael G. Jones, demands judgment against Defendants Sigma Phi Epsilon Fraternity and Sigma Phi Epsilon, Alabama Alpha Chapter, and Defendant Quillen in such an amount of compensatory damages as a jury may award; a separate amount of punitive damages; and the costs of this action.

/s/ Jere L. Beasley
JERE L. BEASLEY (BEA020)

/s/ Julia A. Beasley
JULIA A. BEASLEY (BEA039)

/s/ J. Wesley McCollum, Jr.
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JURY DEMAND

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL ISSUES OF THIS
CAUSE.

/s/ Julia A. Beasley
OF COUNSEL



**IN THE CIRCUIT COURT FOR
LEE COUNTY, ALABAMA**

**TAYLOR G. JONES, a minor, who
sues by and through his father and
next friend, MICHAEL G. JONES,**

Plaintiff,

vs.

**SIGMA PHI EPSILON; SIGMA PHI
EPSILON, ALABAMA ALPHA
CHAPTER; ZACHARY JAMES
QUILLEN; et al.,**

Defendants.

CIVIL ACTION NUMBER:

**PLAINTIFF’S FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO
SIGMA PHI EPSILON, ALABAMA ALPHA CHAPTER**

1. “Incident” - For the purposes of these requests, the term "incident" shall refer to the incident that occurred on January 11, 2009, when Taylor Jones was assaulted on the premises of the Sigma Phi Epsilon fraternity house, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

2. “Premises” - For the purposes of these requests, the term "premises" shall refer to the Sigma Phi Epsilon fraternity house premises, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

3. “This Defendant” - For the purposes of these requests, the term “this Defendant” shall refer to Sigma Phi Epsilon, Alabama Alpha Chapter.

INTERROGATORIES

Pursuant to Rule 33, Alabama Rules of Civil Procedure, Plaintiff propounds the

following interrogatories to be answered by this Defendant within the time and manner prescribed by law:

1. State the correct name of this Defendant.
2. Is this Defendant properly named in the complaint? If no, please state the correct name for this Defendant.
3. Explain the relationship of this Defendant to Sigma Phi Epsilon, the National fraternity.
4. Please state the name of all insurance carriers, including primary and excess coverage, liability, homeowners, med pay, which covered this Defendant at the time of the incident and state the amount of coverage under each and every insurance policy that insured this Defendant. For each carrier, please state the following:
 - a. The policy limits of each such policy.
 - b. The name of the insured of each such policy.
5. Please state the name, address and phone number of each person who witnessed this incident and/or who may have knowledge of the incident.
6. Was Zachary James Quillen an active member of the Sigma Phi Epsilon, Alabama Alpha Chapter, on January 10 & 11, 2009? If so, when did he become a member.
7. Had Zachary James Quillen consumed any alcohol on January 10, 2009, or January 11, 2009, prior to the incident?
8. Did this Defendant require Zachary James Quillen to submit to a blood alcohol test on January 11, 2009? If so where was the test performed and state the results.

9. Who provided security on the premises of this Defendant's fraternity house on January 10 & 11, 2009?

10. State the name and address of each person, company, organization or corporation responsible for setting rules, standards, policies procedures, including safety, for the Sigma Phi Epsilon fraternity house premises which were in effect on January 10 & 11, 2009.

11. State the name and address of each person, company, organization or corporation responsible for training the members of the Alabama Alpha Chapter or Sigma Phi Epsilon on issues of safety and security on its premises prior to and on January 11, 2009.

12. Was a party taking place on the premises of this Defendant on January 10 & 11, 2009? If so, explain your answer in detail.

13. Was any other person, corporation or entity involved in any manner with the party on January 10 & 11, 2009? If so, identify each.

14. Were non-fraternity members allowed to attend the party on the premises on January 10, 2009, and January 11, 2009? If not, please state whether there were any posted signs which were visible informing that the party was for fraternity members only?

15. Did this Defendant have a policy in effect which required a sign-in sheet for each person who entered the premises on January 10 and January 11, 2009? If so, was that policy followed on the date of this incident and where is the sign in document currently located

16. At the time of the incident, please state whether this Defendant had any

rules, regulations, policies and procedures which required security on the premises while a band party is in progress and/or until the fraternity house/premises is closed after a band party on the premises. If so, explain each policy and procedure in detail.

17. Did this Defendant have security on the premises on January 10, 2009, and January 11, 2009? If so, state the names and addresses of each security guard, their place of employment, the time each arrived and that each departed the premises, describe their clothing, if and how they were identified as security, and state where each security guard was located on the premises and for what time period.

18. Were the security guards referred to in your answer to number 17 above present on the premises at the time of the incident? If not, state who, if anyone, was providing security on the premises at the time of the incident.

19. Please state the names of each member of the fraternity who had actual knowledge that Taylor Jones had been injured on January 11, 2009.

20. State if this Defendant had any rules, regulations, policies and procedures in effect on January 11, 2009, which required fraternity members to call the police and/or professional medical assistance when and individual is injured on the premises. If so, explain such policy in detail.

21. Please state whether anyone called the police, 911 and/or for medical assistance after Taylor Jones was assaulted on the premises of the fraternity on January 11, 2009. If so, give the name and address of each such person.

22. State the name and address of each person, agency, department, national fraternity, organization or other group responsible for supervising Sigma Phi Epsilon, Alabama Alpha Chapter and its members, on January 11, 2009.

23. Was alcohol being served on the premises on January 10 & 11, 2009? If so, what type alcohol, who provided the alcohol and who purchased the alcohol.

24. Please state the names and addresses of any person, agency, department, national fraternity, organization or other group which has investigated or is

25. Has this Defendant, or any of its members, ever been investigated as result of any type misconduct on the premises of this Defendant. If so, explain your answer in detail

26. Has this Defendant ever disciplined any member (or former members), including Zachary James Quillen, for incidents involving assault, battery, injuries, fighting or any other activity which this Defendant found to be inappropriate prior to or subsequent to January 11, 2009. If so, explain each in detail.

27. State the names and addresses of any and all experts with whom this Defendant, or any person on this Defendant's behalf, expects to call as a witness at trial or has consulted as an expert and include opinions which each expert is expected to give at trial, including the basis for all opinions.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34, Alabama Rules of Civil Procedure, Plaintiff requests that this Defendant produce the following documents and things for copying and inspection:

1. Certified copies of all liability insurance policies, including excess and umbrella coverage, referred to in interrogatory number 4 above, including declaration pages of each liability insurance policy, and umbrella and excess policies, which were in effect on January 11, 2009.

2. Certified copies of all insurance policies which provide medical payment

coverage and all homeowner's insurance policies which were in effect on the date of this incident and include the declaration page showing all coverage available.

3. Any and all photographs and/or videotapes pertaining to this incident.
4. All claims or reports of injuries filed, including complaints filed in any court in which a person has allegedly been assaulted and/or injured at this Defendant's fraternity parties within the past 5 years.
5. Any and all Incident Report Forms relating to this incident.
6. Any and all Incident Report Forms involving any incident which occurred on the premises of Sigma Phi Epsilon, Alabama Alpha Chapter, for 5 years prior to January 11, 2009.
7. All sign-in sheets or other documents which required each person to register or sign in to enter the premises on January 10, 2009, and January 11, 2009.
8. All written documents, policies, procedures, rules, regulations, manuals and/or instructions which were in effect on the date of this incident which this Defendant, and its members, were required to follow on the date of this incident.
9. Names, addresses and current telephone numbers of each person which this Defendant has obtained a written or tape-recorded statement regarding this incident.
10. Photos of any and all posted signs which were in place on January 11, 2009, on the premises.
11. All documents from the Sigma Phi Epsilon Fraternity, the national organization, which establishes, sets forth and requires the fraternity members of the Alabama Alpha Chapter to follow pertaining to rules, regulations, manuals, policies and procedures for said fraternity, including those pertaining to band parties, security, crowd

control, sign-in requirements, bouncers, when and how to request individuals to leave the premises, how to safely escort individuals out of the fraternity house or off the premises, calling police and/or for professional medical care after an individual is assaulted or injured on the premises, completion of Incident Report Forms, investigations concerning assaults and/or injuries on the premises, requirement of blood alcohol test for members involved in any assault on the premises, indictment and/or arrest of a member, probation of a member, inappropriate conduct of members, and/or altercations on the premises which were in effect on January 10, 2009, and January 11, 2009.

12. All documents established or set by Sigma Phi Epsilon, Alabama Alpha Chapter, which pertains to this Defendant's rules, regulations, manuals, policies and procedures for said fraternity, including those pertaining to band parties, security, crowd control, sign-in requirements, bouncers, when and how to request individuals to leave the premises, how to safely escort individuals out of the fraternity house or off the premises, calling police and/or for professional medical care after an individual is assaulted or injured on the premises, completion of Incident Report Forms, investigations concerning assaults and/or injuries on the premises, requirement of blood alcohol test for members involved in any assault on the premises, indictment and/or arrest of a member, probation of a member, inappropriate conduct of members, and/or altercations on the premises which were in effect on January 10, 2009, and January 11, 2009.

13. Any and all policies and procedures which were in effect on January 11, 2009, pertaining to safety on the premises.

14. Any and all policies and procedures which were in effect on January 11, 2009, pertaining to security on the premises.

15. Produce a copy of this Defendant's By-Laws which were in effect on January 11, 2009.

16. Produce a copy of the By-Laws received by Sigma Phi Epsilon fraternity, national organization.

17. Produce a copy of this Defendant's Charter information.

18. Produce a copy of Sigma Phi Epsilon Fraternity, national organization, Charter information.

19. Produce a copy of any and all receipts for alcohol which was provided to members and/or guests on the premises on January 10, and/or January 11, 2009.

20. All memos, bulletins, documents, correspondence, reprimands, investigative reports or other documents received from Auburn University, including any Dean, any office or department, regarding this incident.

21. All reports and/or other documents pertaining to reprimands, warnings, probations, or instructions to the Sigma Phi Epsilon, Alabama Alpha Chapter regarding incidents, injuries, altercations, assaults and/or other occasions involving behavior which was investigated on the premises prior to January 11, 2009.

22. All policies and procedures provided by Auburn University which this Defendant and its members was required to follow on the date of this incident.

23. All memos, bulletins, documents, correspondence, or other documents received from Auburn university, including any Dean, any office or department, regarding any previous incident involving an injury, assault and/or altercation on its premises, whether injury to a member or non-member prior to January 11, 2009.

24. All policies and procedures provided by Auburn University which this

Defendant was required to comply with and ensure the members of Sigma Phi Epsilon, Alabama Alpha Chapter, followed on the date of this incident.

25. Any and all manuals, rules regulations, policies and procedures which instruct Sigma Phi Epsilon and its members how to request an individual to leave the premises, how to safely escort an individual off the premises and what discipline, if any, the member would face if he fails to follow such policies or rules established by the Sigma Phi Epsilon Fraternity, the national organization, or any other organization which sets policy.

26. Produce all Risk Management Manuals which were in effect on January 11, 2009.

27. Any and all documents pertaining to warnings, discipline, probation or other action taken against Sigma Phi Epsilon, Alabama Alpha Chapter, prior to January 11, 2009.

28. All Event Planning Calendars for January 10, 2009, and January 11, 2009.

29. All Special Event Guidelines for January 10, 2009, and January 11, 2009.

30. All rules, regulations and policies and procedures, including safety, which were in effect on January 11, 2009, for the Sigma Phi Epsilon fraternity house premises.

31. Written reports of expert(s) containing a complete statement of all opinions to be expressed and the basis for each opinion; a copy of all data and each document or other information considered by the expert(s) in forming the opinions; any exhibits to be used as a summary of or support for each opinion; the qualifications of the expert(s), including a list of all publications authored by the expert(s) within the past 10 years; the

compensation to be paid for the expert's time and testimony; and a list of any other cases in which the expert(s) has testified at trial or by deposition with the past 4 years.

/s/ Julia A. Beasley
JERE L. BEASLEY (BEA020)
JULIA A. BEASLEY (BEA039)
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CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing document with the Circuit Clerk along with the Summons and Complaint on this the 26th day of January, 2009.

/s/ Julia A. Beasley
Of Counsel



**IN THE CIRCUIT COURT FOR
LEE COUNTY, ALABAMA**

**TAYLOR G. JONES, a minor, who
sues by and through his father and
next friend, MICHAEL G. JONES,**

Plaintiff,

vs.

**SIGMA PHI EPSILON; SIGMA PHI
EPSILON, ALABAMA ALPHA
CHAPTER; ZACHARY JAMES
QUILLEN; et al.,**

Defendants.

CIVIL ACTION NUMBER:

**PLAINTIFF’S FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO ZACHARY JAMES QUILLEN**

1. “Incident” - For the purposes of these requests, the term "incident" shall refer to the incident that occurred on the morning of January 11, 2009, when Taylor Jones was assaulted on the premises of the Sigma Phi Epsilon fraternity house, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

2. “Premises” - For the purposes of these requests, the term "premises" shall refer to the Sigma Phi Epsilon fraternity house premises, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

3. “This Defendant” – For the purpose of these requests, the term “this Defendant” shall refer to Zachary James Quillen.

INTERROGATORIES

Pursuant to Rule 33, Alabama Rules of Civil Procedure, Plaintiff propounds the

following interrogatories to be answered by this Defendant within the time and manner prescribed by law:

1. Please state the name of all liability insurance carriers, including primary and excess coverage, and all homeowners insurance policies that covered you at the time of this incident and state the amount of coverage under each and every insurance policy that insured you. For each carrier, please state the following:

- a. The policy limits of each policy.
- b. The name of the insured of each such policy.

2. State the names and current address of your parents.

3. State the name and address of all insurance companies that provided your parents with homeowner coverage or liability insurance coverage of any kind on the date of this incident.

4. Were you a student at Auburn University on the date of this incident

5. Were you an active member of the Sigma Phi Epsilon fraternity on the date of this incident? If so, when did you become a member and state your position or title with the fraternity, if any, on the date of this incident.

6. Please state your height and weight at the time of the incident.

7. State the name, address and phone number of each person who witnessed the incident and/or may have knowledge of the incident.

8. State your current address at the time of the incident and the names of each person who lived with you at that time.

9. Did you attend a band party on the premises of your fraternity on January 10 & 11, 2009?

10. On January 10 & 11, 2009, did you have any specific responsibilities relating to the band party? If so, explain your answer in detail.

11. Was alcohol being served on the premises on January 10 and/or January 11, 2009? If so, state what type alcohol, and who provided the alcohol.

12. Did you consume any alcohol on January 10, 2009, or on January 11, 2009? If so, state the type alcohol and the amount consumed.

13. State in detail the events leading up to the incident which resulted in Taylor Jones' injuries on January 11, 2009.

14. State the names of all fraternity members who had knowledge that Taylor Jones had been injured on January 11, 2009.

15. State whether anyone called the police, 911, and/or for professional medical assistance after Taylor Jones was injured on the premises of fraternity. If so, state the name and address of each person who made the call.

16. Did you give a statement to anyone regarding this incident?

17. Have you been disciplined by the Sigma Phi Epsilon Fraternity or the Alabama Alpha Chapter of Sigma Phi Epsilon Fraternity for any reason prior to January 11, 2009? If so, explain your answer in detail.

18. State the names and addresses of any and all experts with whom you, or any person on your behalf, expects to call as a witness at trial or has consulted as an expert and include opinions which each expert is expected to give at trial, including the basis for all opinions.

19. State the name, and last known address and employee of each relative of yours (including their spouse's name) who lives in Lee County, Alabama.

20. Have you ever been convicted of any criminal offense? If so, list the offense, the date and place of each offense and the outcome.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34, Alabama Rules of Civil Procedure, Plaintiff requests that this Defendant produce the following documents and things for copying and inspection:

1. Certified copies of all liability and/or homeowner insurance policies referred to in interrogatory number 1 above, including declaration pages of each policy, including all liability umbrella and excess policies.

2. Any and all photographs and/or videotapes pertaining to this incident.

3. Copies of written or tape recorded statements which you have given to Sigma Phi Epsilon Fraternity, the national organization, and/or the Alabama Alpha Chapter of Sigma Phi Epsilon regarding this incident.

4. Any and all Incident Report Forms relating to this incident.

5. Any and all receipts for cash, credit card, debit card, charge accounts, for alcohol you purchased or consumed on January 10, 2009, and/or January 11, 2009.

6. All sign-in sheets for January 10, 2009, and January 11, 2009, for anyone who entered the premises.

7. All documents which reference any training the fraternity required you to have prior to providing any assistance on the premises such as security, bouncer, crowd control and/or closing down a party prior to January 11, 2009.

8. All results of drug and/or alcohol test(s) performed on you on January 11, 2009.

9. All warnings, reprimands, and/or probations you received from Sigma Phi

Epsilon Fraternity, the national organization and or the Alabama Alpha Chapter.

10. All correspondence, letters, e-mails, memos, or other documents, you received from any person, department, Dean, or other person agency or group from Auburn University regarding this incident.

11. Any and all manuals, rules, regulations, policies and procedures you received from Sigma Phi Epsilon Fraternity, the national organization prior to January 11, 2009.

12. Any and all manuals, rules, regulations, policies and procedures you received from Sigma Phi Epsilon, Alabama Alpha Chapter, prior to January 11, 2009.

13. Any and all manuals, rules regulations, policies and procedures regarding security, bouncer, crowd control and/or closing down a party at the fraternity house which instruct members of Sigma Phi Epsilon how to handle crowds, how to request an individual to leave the fraternity house and how to escort an individual off the premises, what punishment and/or discipline a member would face if he fails to follow such policies or rules established by the Sigma Phi Epsilon Fraternity, the national organization, or Alabama Alpha Chapter.

14. All policies and procedures regarding safety on the Sigma Phi Epsilon fraternity house premises which were in effect on January 11, 2009.

15. All policies and procedures regarding calling police, 9911 and/or professional medical assistance when an individual is injured on the premises.

16. All Risk Management Manuals provided to you by anyone.

17. Any correspondence or other document received from Auburn University regarding this incident and/or your activities/duties on January 11, 2009.

18. All Event Planning Calendars for January 10, 2009, and January 11, 2009.
19. All Special Event Guidelines for January 10, 2009, and January 11, 2009.
20. All training materials provided to you for training referred to in interrogatory 7 above.
21. Written reports of expert(s) containing a complete statement of all opinions to be expressed and the basis for each opinion; a copy of all data and each document or other information considered by the expert(s) in forming the opinions; any exhibits to be used as a summary of or support for each opinion; the qualifications of the expert(s), including a list of all publications authored by the expert(s) within the past 10 years; the compensation to be paid for the expert's time and testimony; and a list of any other cases in which the expert(s) has testified at trial or by deposition with the past 4 years.

/s/ Julia A. Beasley
JERE L. BEASLEY (BEA020)
JULIA A. BEASLEY (BEA039)
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CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing document with the Circuit Clerk along with the Summons and Complaint on this the 26th day of January, 2009.

/s/ Julia A. Beasley
Of Counsel



**IN THE CIRCUIT COURT FOR
LEE COUNTY, ALABAMA**

**TAYLOR G. JONES, a minor, who
sues by and through his father and
next friend, MICHAEL G. JONES,**

Plaintiff,

vs.

**SIGMA PHI EPSILON; SIGMA PHI
EPSILON, ALABAMA ALPHA
CHAPTER; ZACHARY JAMES
QUILLEN; ET AL.,**

Defendants.

CIVIL ACTION NUMBER:

**PLAINTIFF’S FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS
TO SIGMA PHI EPSILON FRATERNITY**

1. “Incident” - For the purposes of these requests, the term "incident" shall refer to the incident that occurred on January 10, 2009, when Taylor Jones was assaulted on the premises of the Sigma Phi Epsilon fraternity house, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

2. “Premises” - For the purposes of these requests, the term "premises" shall refer to the Sigma Phi Epsilon fraternity house premises, 926 West Magnolia Avenue on the campus of Auburn University in Lee County, Alabama.

3. “This Defendant” - For the purposes of these requests, the term “this Defendant” shall refer to Sigma Phi Epsilon Fraternity, the national organization which is located in Richmond, Virginia.

INTERROGATORIES

Pursuant to Rule 33, Alabama Rules of Civil Procedure, Plaintiff propounds the

following interrogatories to be answered by this Defendant within the time and manner prescribed by law:

1. Please state the correct name of this Defendant.
2. Is this Defendant properly named in the Complaint? If not, state the correct name of this Defendant.
3. Is this Defendant a Corporation?
4. If this Defendant is not a corporation, state what type entity it is.
5. Please state the name of all insurance carriers which covered this Defendant at the time of the incident and state the amount of liability insurance coverage, including excess and umbrella coverage, under each and every insurance policy that insured this Defendant. For each carrier, please state the following:
 - a. The policy limits of each such policy.
 - b. The name of the insured of each such policy.
6. On January 11, 2009, was Zachary James Quillen acting on behalf of Sigma Phi Epsilon, Alabama Alpha Chapter, in any capacity either as security, bouncer, person responsible for crowd control and safety? If so, state exactly what his role was.
7. Has this Defendant determined whether Defendant Quillen had consumed any alcohol on January 10, 2009, or January 11, 2009?
8. Please state the name, address and phone number of each person who witnessed the incident or may have knowledge of the incident.
9. On January 11, 2009, state whether this Defendant had standards, rules, regulations, policies and/or procedures which Sigma Phi Epsilon fraternity, the Alabama Alpha Chapter and its members were required to follow? If so, provide a copy of each

such rule, regulation, policy and/or procedure.

10. State whether this Defendant has ever had standards, rules, regulations, policies and procedures which the Sigma Phi Epsilon fraternity, Alabama Alpha Chapter and its members were required to follow relating to band parties or security on the premises while a band party is in progress. Provide a copy of each such standard, rule, policy and/or procedure.

11. State the name and address of each person, company, organization or corporation responsible for setting policy, including safety policy, to be followed and enforced on the Sigma Phi Epsilon fraternity house premises on January 11, 2009.

12. Was an Incident Report done regarding this incident? If so, attaché copies of each such report.

13. Please state whether this Defendant has investigated or is investigating this incident. If so, state the name of each person who is participating in the investigation.

14. Has this Defendant ever required any sort of anger management training or instruction for the fraternity members of Sigma Phi Epsilon? If so, explain your answer in detail.

15. State the name and address of all persons, companies or entities who were responsible for ensuring that Sigma Phi Epsilon, Alabama Alpha Chapter, and its members, were complying with all standards, rules, regulations, policies and procedures established by this Defendant or established by Sigma Phi Epsilon, Alabama Alpha Chapter, at all times prior to and including January 11, 2009.

16. Has this Defendant ever been investigated or placed on any type of

probation? If so, explain your answer in detail.

17. State the names and addresses of any and all experts with whom this Defendant expects to call as a witness at trial or has consulted as an expert and include opinions which each expert is expected to give at trial, including the basis for all opinions.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34, Alabama Rules of Civil Procedure, Plaintiff requests that this Defendant produce the following documents and things for copying and inspection:

1. Certified copies of all liability insurance policies referred to in interrogatory number 5 above, including declaration pages of each liability insurance policy, and umbrella and excess policies.

2. Any and all photographs and/or videotapes pertaining to this incident.

3. All claims or reports of injuries filed, including complaints filed in any court in which a person has allegedly been assaulted and/or injured at a Sigma Phi Epsilon fraternity house or premises in the State of Alabama within the past 5 years.

4. All claims or reports of injuries filed, including complaints filed in any court in which a person has allegedly been assaulted and/or injured at the Sigma Phi Epsilon, Alabama Alpha Chapter, fraternity house or premises within the past 5 years.

5. All reports and/or other documents pertaining to reprimands, warnings, probations, or instructions to the Sigma Phi Epsilon, Alabama Alpha Chapter, regarding incidents, injuries, altercations, assaults and/or other occasions involving behavior which was investigated on the premises.

6. Any and all Incident Reports relating to this incident.

7. Any and all Incident Reports involving Sigma Phi Epsilon, Alabama Alpha Chapter, for the past 5 years.

8. Any and all Incident Reports involving Sigma Phi Epsilon fraternity in the State of Alabama for the past 5 years.

9. Results of any and all drug/alcohol tests of Zachary James Quillen taken on January 11, 2009.

10. All written documents, standards, policies, procedures, rules, regulations, manuals and/or instructions which were in effect on the date of this incident which this Defendant provided to Sigma Phi Epsilon, Alabama Alpha Chapter and/or its fraternity members were required to follow on January 10, 2009, and January 11, 2009.

11. All written documents, standards, policies, procedures, rules, regulations, manuals and/or instructions which were in effect on the date of this incident which this Defendant was required to follow on January 10, 2009, and January 11, 2009.

12. Names, addresses and current telephone numbers of each person which this Defendant has obtained a written or tape-recorded statement regarding this incident.

13. All documents, including communications from this Defendant, to the Sigma Phi Epsilon, Alabama Alpha Chapter, which establish, set or promulgate safety standards, rules, policies and/or procedures for said fraternity.

14. All documents from Sigma Phi Epsilon, Alabama Alpha Chapter, which set forth any other rules, regulations, manuals, policies and procedures for said fraternity, including those pertaining to band parties, sign-in requirements, security, crowd control, bouncers, when and how to request individuals to leave the fraternity house or premises, how to safely escort individuals out of the fraternity house or off the premises, safety of

individuals on the premises, assaults occurring on the premises, calling police and/or for medical care after an individual is assaulted on the premises, incident reports, investigations concerning assaults and/or injury on the premises, requirement of blood alcohol test for members involved in an assault on the premises, indictment and/or arrest of a member, probation of a member, conduct of members, and/or confrontations on the premises which were in effect on January 10 & 11, 2009.

15. A copy of this Defendant's By-Laws which were in effect on January 11, 2009.

16. A copy of the By-Laws of Sigma Phi Epsilon, Alabama Alpha Chapter, which were in effect on January 11, 2009.

17. A copy of this Defendant's Charter information.

18. A copy of Sigma Phi Epsilon, Alabama Alpha Chapter Charter information.

19. All memos, bulletins, documents, correspondence, communications of any kind, or other documents received from Auburn University, any Dean, any office or department, regarding this incident.

20. All memos, bulletins, documents, correspondence, communications of any kind, or other documents received from Auburn University, any Dean, any office or department, regarding any previous incidents involving an injury, assault and/or altercation on its premises, whether injury to a member or non-member, on the premises.

21. All standards, rules policies and/or procedures promulgated by Auburn University which governs this Defendant and/or Sigma Phi Epsilon, Alabama Alpha Chapter and its members, which were in effect on January 11, 2009.

22. Any and all manuals, standards, rules, regulations, policies and/or procedures which instruct or train Sigma Phi Epsilon fraternity and its members how to conduct crowd control and/or how to provide safety and maintain its premises during and/or after a band party, including what, if any, discipline the member would face if he fails to follow said procedures.

23. All Event Planning Calendars received from Sigma Phi Epsilon, Alabama Alpha Chapter, regarding January 10, 2009, and January 11, 2009.

24. All Special Event Guidelines from Sigma Phi Epsilon, Alabama Alpha Chapter, regarding January 10, 2009, and January 11, 2009.

25. All other rules, regulations, and procedures setting forth policy, including safety, which were in effect on January 11, 2009, for the Sigma Phi Epsilon fraternity house premises.

26. All training materials provided Sigma Phi Epsilon, Alabama Alpha Chapter and its members, including Zachary James Quillen, regarding safety and/or security on its premises, or any other matter, prior to and/or on January 11, 2009.

27. Written reports of expert(s) containing a complete statement of all opinions to be expressed and the basis for each opinion; a copy of all data and each document or other information considered by the expert(s) in forming the opinions; any exhibits to be used as a summary of or support for each opinion; the qualifications of the expert(s), including a list of all publications authored by the expert(s) within the past 10 years; the compensation to be paid for the expert's time and testimony; and a list of any other cases in which the expert(s) has testified at trial or by deposition with the past 4 years.

/s/ Julia A. Beasley
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CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing document with the Circuit Clerk along with the Summons and Complaint on this the 26th day of January, 2009.

/s/ Julia A. Beasley
Of Counsel