

4. At all times material hereto, Defendant Mu Deuteron Association of Phi Gamma Delta (“Mu Deuteron”) was a non-profit corporation organized and existing pursuant to the laws of the State of Iowa.

5. At all times material hereto, Defendant Mu Deuteron was the corporate entity under which the Phi Gamma Delta fraternity chapter at The University of Iowa, in Iowa City, Iowa commonly known as FIJI (hereinafter “Iowa FIJI”) existed and operated.

6. At all times material hereto, Defendant Phi Gamma Delta Educational Foundation (“PGDEF”) was a non-profit corporation organized and existing pursuant to the laws of the State of Kentucky.

7. At all times material hereto, Defendant PGDEF was the corporate entity for the national chapter of Phi Gamma Delta fraternities, under which all university chapters exist and operate including but not limited to Defendant Mu Deuteron and Iowa FIJI.

8. At all times material hereto, Defendants Steffen and Meloan were official members, directors, or officers of Iowa FIJI.

9. At all times material hereto, Defendant Mu Deuteron and Iowa FIJI owned or maintained a residence for the fraternity and its members at 303 Ellis Avenue, Iowa City, Johnson County, Iowa.

10. On or about September 4-5, 2020, Plaintiff was an invited guest at the Iowa FIJI residence at an official and sanctioned Iowa FIJI fraternity event.

11. At the same time and place, Defendants Steffen and Meloan were also present.

12. At the same time and place, Plaintiff became physically ill in an unexpected manner and sought assistance from Defendant Steffen who offered her water and that she could come into his room for it.

13. Plaintiff's physical illness progressed quickly. Plaintiff physically stumbled as she followed Defendant Steffen who led her into his room and closed the door.

14. Defendants Steffen and Meloan planned and conspired to lure Plaintiff into one of their bedrooms at the residence and isolate her from her friend with whom she had come to the residence.

15. At the same time and place, Defendants Steffen and Meloan engaged in sexual activity with Plaintiff without her consent and while she was in an intoxicated, physically impaired, and physically vulnerable state of which Defendants Steffen and Meloan were aware or should have been aware.

16. At the same time and place, Defendants Steffen and Meloan filmed or photographed the sexual activity without Plaintiff's consent and while she was in an intoxicated, physically impaired, and physically vulnerable state of which Defendants Steffen and Meloan were aware or should have been aware.

17. Thereafter, Plaintiff returned home with no memory of the aforementioned sexual assault.

18. Thereafter, Defendants Steffen or Meloan caused the video or photographs of the sexual assault to be shared amongst other Iowa FIJI members and other members of the public using an app or group chat established and used for official Iowa FIJI communications amongst its members.

19. The aforementioned video or photographs became widely circulated by other unknown individuals and thereafter was seen by friends of Plaintiff, who informed her that she may be the subject of the video or photographs.

20. Other members of Iowa FIJI, including but not limited to officers of Iowa FIJI instructed those who had received the video or photographs to delete the material and to not report the incident, but instead to maintain silence and solidarity on the matter.

21. Thereafter, Plaintiff realized she was the subject of the video and that she had been sexually assaulted.

22. Thereafter, Plaintiff reported the matter to the police.

COUNT I

COMES NOW Plaintiff and for cause of action against Defendants Caron Steffen and Jacob Meloan states as follows:

1. Plaintiff repleads paragraphs 1-22 of the Common Allegations of this Petition as though fully and completely set forth in this Count I, word for word.

2. By their actions, Defendants Steffen and Meloan sexually assaulted Plaintiff by engaging in sexual activity with her when she was not in a state to consent and to which she did not consent, which they knew or should have known.

3. By their actions, Defendants Steffen and Meloan deliberately caused harm to Plaintiff through their malicious and intentional circulation of photographs or videos of the sexual assault to other Iowa FIJI members and members of the general public, knowing full well that such distribution could cause the photographs and videos to be further shared to anyone in the world with a smartphone or computer.

4. By their actions, Defendants Steffen and Meloan willfully and wantonly disregarded the rights of Plaintiff through their intentional and reckless disregard of the fact that sharing the aforementioned photos and videos, taken without Plaintiff's consent, could cause

those photos and videos to be stored and shared in perpetuity and cause damage to Plaintiff for the rest of her life—so long as the videos existed anywhere in the world.

5. Such actions were intentional and meant to cause physical and mental harm to Plaintiff, for the gratification of Defendants Steffen and Meloan.

6. The aforementioned acts are a cause of severe physical and mental injuries and the following damages to-wit:

- a. Past mental and physical pain and suffering;
- b. Future mental and physical pain and suffering;
- c. Past full loss of mind and body;
- d. Future loss of full mind and body;
- e. Loss of future earning capacity;
- f. Loss of earnings;
- g. Past and future medical expenses;

7. The aforementioned acts were done by Defendants Steffen and Meloan with willful and wanton disregard for the rights and safety of Plaintiff, said actions being directed at her individually and purposefully causing actual damage.

WHEREFORE, Plaintiff demands judgment against Defendants Carson Steffen and Jacob Meloan for compensatory damages in a fair and reasonable amount and punitive damages in an amount that will satisfactorily punish Defendants and provide future deterrence to others, plus interest and the costs of this action.

COUNT II

COMES NOW Plaintiff and for cause of action against Defendants Mu Deuteron Association of Phi Gamma Delta and Phi Gamma Delta Educational Foundation, Inc. states as follows:

1. Plaintiff repleads paragraphs 1-22 of the Common Allegations and paragraphs 2-7 of Count I as though fully and completely set forth in this Count II, word for word.
2. Defendants Mu Deuteron and PGDEF are the organizational entities under which the fraternity of Iowa FIJI operates on the University of Iowa campus.
3. As the aforementioned events took place at an official Iowa FIJI function and the photographs and videos were shared through official Iowa FIJI channels, Defendants Mu Deuteron and PGDEF, through its officers and members, failed to supervise its members and failed to protect guests present at the fraternity house located at 303 Ellis Avenue.
4. By their actions, members and officers of Iowa FIJI, Mu Deuteron, and PGDEF aided and abetted the actions of Defendants Steffen and Meloan by further sharing the videos and photos, directing their deletion to hide the acts, and instructing solidarity in silence to its members which intended to, and have in fact, frustrated investigation into the sexual assault.
5. Members and officers of Iowa FIJI, Mu Deuteron, and PGDEF knew or should have known of prior bad acts of Defendants Steffen or Meloan and failed to take appropriate preventative actions, including but not limited to excluding them from the fraternity or fraternity events for the protection of others.
6. The aforementioned sexual assault took place as a coordinated and planned effort by fraternity members, including but not limited to Defendants Steffen and Meloan.

7. The aforementioned lack of security, lack of supervision, failure to maintain a safe premises, and aid in obstructing investigation into the sexual assault was and continues to be a cause of severe personal and mental injuries to Plaintiff.

8. Through its membership, officers, and agents Defendant Mu Deuteron and PGDEF acted with willful and wanton disregard for the rights and safety of Plaintiff, said actions being directed at her individually and purposefully, causing actual damage.

WHEREFORE, Plaintiff demands judgment against Defendants Mu Deuteron Association of Phi Gamma Delta and Phi Gamma Delta Educational Foundation, Inc. for compensatory damages in a fair and reasonable amount and punitive damages in an amount that will satisfactorily punish Defendants and provide future deterrence to others, plus interest and the costs of this action.

JURY DEMAND

Plaintiff hereby demands trial by jury of all issues in this case so triable.

BALL, KIRK, HOLM, P.C.

By: /s/ Eashaan Vajpeyi

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