

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	
)	C.A. No. 2024-CP-____
Benjamin Jaxson Lovelace, IV, Angela)	
Lovelace, and Benjamin Lovelace III,)	
)	
)	
Plaintiffs,)	
)	SUMMONS
vs.)	
Francis W. Schiavo, Benjamin Graham)	
Locke, Christopher Robert Furze,)	
Michael Orazio Garzon, John Lennox)	
Cummings, Iota Epsilon Chapter of)	
Sigma Chi Fraternity, Sigma Chi)	
International Fraternity, Inc., John)	
Doe, and College of Charleston,)	
)	
)	
Defendants.)	

TO: THE DEFENDANTS ABOVE NAMED:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to have a copy of your Answer to the Complaint served upon the subscriber at Post Office Box 2800, Greenville, South Carolina 29602, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

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ATTORNEYS FOR THE PLAINTIFFS

January 15, 2024
Anderson, South Carolina

Defendant Iota Epsilon Chapter of Sigma Chi Fraternity, (hereafter "Local Chapter"), and a student at the Defendant College of Charleston. Defendant Schiavo is an agent of the Defendant Local Chapter and the Defendant Sigma Chi Fraternity, (hereafter "National Chapter").

3. Upon information and belief, at the time of the incidents giving rise to the Plaintiffs' Complaints, Defendant Schiavo was acting within the scope of his agency authority as a brother of the Defendant Local Chapter and the Defendant National Chapter, conducting the business of the National Chapter, and engaged in conduct which is alleged to be reckless, willful, and/or grossly negligent within the meaning of South Carolina Code Ann. § 33-56-180.
4. Upon information and belief, the Defendant, Benjamin Graham Locke, (hereafter "Locke") is citizen and resident of the County Davidson, State of Tennessee. Upon further information and belief, Defendant Locke is a brother in the Defendant Local Chapter and a student at the Defendant College of Charleston. Defendant Locke is an agent of the Defendant Local Chapter and the Defendant National Chapter. Upon information and belief, Locke held the position of "Magister" on behalf of the Defendants.
5. Upon information and belief, at the time of the incidents giving rise to the Plaintiffs' Complaints, Defendant Locke was acting within the scope of his agency authority as a brother of the Defendant Local Chapter and the Defendant National Chapter, conducting the business of the National Chapter, and engaged in conduct which is alleged to be reckless, willful, and/or grossly negligent within the meaning of South Carolina Code Ann. § 33-56-180.

6. Upon information and belief, the Defendant, Christopher Robert Furze, (hereafter “Furze”) is citizen and resident of the County of Charleston, State of South Carolina. Upon further information and belief, Defendant Furze is a brother in the Defendant Local Chapter and a student at the Defendant College of Charleston. Defendant Furze is an agent of the Defendant Local Chapter and the Defendant National Chapter. Upon information and belief, Furze held the position “Risk Manager” on behalf of the Defendant Local Chapter, beginning in December of 2022 and Social Chairman from December 2021-2022.
7. Upon information and belief, at the time of the incidents giving rise to the Plaintiffs' Complaints, Defendant Furze was acting within the scope of his agency authority as a brother of the Defendant Local Chapter and the Defendant National Chapter, conducting the business of the National Chapter, and engaged in conduct which is alleged to be reckless, willful, and/or grossly negligent within the meaning of South Carolina Code Ann. § 33-56-180.
8. Upon information and belief, the Defendant, Michael Orazio Garzon, (hereafter “Garzon”) is citizen and resident of the County of Fairfax, State of Virginia. Upon further information and belief, Defendant Garzon is a brother in the Defendant Local Chapter and the Defendant Sigma Chi National, and a student at the Defendant College of Charleston. Defendant Garzon is an agent of the Defendant Local Chapter and the Defendant National Chapter.
9. Upon information and belief, at the time of the incidents giving rise to the Plaintiffs' Complaints, Defendant Garzon was acting within the scope of his agency authority as a brother of the Defendant Local Chapter and the Defendant National Chapter, conducting the business of the National Chapter, and engaged in conduct

which is alleged to be reckless, willful, and/or grossly negligent within the meaning of South Carolina Code Ann. § 33-56-180.

10. Upon information and belief, the Defendant John Lennox Cummings, (hereafter “Cummings”) is citizen and resident of the County of Buncombe, State of North Carolina. Upon further information and belief, Defendant Cummings is a brother in the Defendant Local Chapter and the Defendant Sigma Chi National, and a student at the Defendant College of Charleston. Upon information and belief, the Defendant Cummings is an agent of the Defendant Local Chapter and the Defendant National Chapter.
11. Upon information and belief, at the time of the incidents giving rise to the Plaintiffs' Complaints, Defendant Cummings was acting within the scope of his agency authority as a brother of the Defendant Local Chapter and the Defendant National Chapter, conducting the business of the National Chapter, and engaged in conduct which is alleged to be reckless, willful, and/or grossly negligent within the meaning of South Carolina Code Ann. § 33-56-180.
12. Upon information and belief, the Defendant Local Chapter is the College of Charleston chapter of the Defendant Sigma Chi National. Local Chapter is a young men's fraternity which recruits pledges from the students at College of Charleston. After a pledge period, some or all of the pledges are initiated as brothers of the Local Chapter.
13. Upon information and belief, the Defendant Local Chapter is an unincorporated association organized and existing under the laws of the State of South Carolina. Upon information and belief, the Local Chapter is an agent of the Defendant

National Chapter and acts or omissions of the Local Chapter are binding upon the National Chapter.

14. The Local Chapter owes a duty of care to its initiates not to cause them injury in the process of initiation into the association.
15. Upon information and belief, the Defendant National Chapter is a not-for-profit organization organized and existing under the laws of the State of Indiana having its principal place of business in Evanston, Illinois. Upon further information and belief, the National Chapter is a social college fraternity for male college students in the United States. The Defendant National Chapter operates local chapters at certain colleges and universities, including the Defendant College of Charleston.
16. Upon information and belief, many of those chapters have been closed, removed, sanctioned, or kicked off various college campuses for dangerous misconduct, including hazing, sexual assault, abuse of alcohol and controlled substances, and other acts and omissions resulting in traumatic injuries and death.
17. At the time of the incidents giving rise to the Plaintiffs' Complaints, the Defendant National Chapter acted by and through its "Brothers," members, agents, contractors, and employees for the purpose of carrying on its business as a fraternity and therefore, it is liable for the negligent acts of its agents, contractors, and employees, including, but not limited to, Defendants Schiavo, Locke, Furze, McCulloch, Cummings, Garzon, and Doe under agency theories. Defendant National Chapter is bound by the acts of the Local Chapter.
18. Upon information and belief, the Defendant John Doe is the advisor to the Defendant Local Chapter. Upon further information and belief, the Defendant John Doe has the responsibility to ensure that the Local Chapter is adhering to the

policies of the Local Chapter, the National Chapter, and the College of Charleston and communicate concerns about Brothers, conduct, behavior, or issues that affect the safety and well-being of Pledges to the National Chapter and the College of Charleston office of Student Affairs.

19. Upon information and belief, the Defendant College of Charleston, is a political subdivision of the State of South Carolina within the meaning of the South Carolina Tort Claims Act codified at South Carolina Code Ann. § 15-78-30(h).
20. At the time of the incidents giving rise to the Plaintiffs' Complaints, College of Charleston acted by and through its agents, contractors, and employees for the purpose of carrying on its business as an institution of higher learning and therefore, it is liable for the negligent acts of its agents, contractors, and employees, under the theories of non-delegable duty and *respondeat superior*.
21. The Plaintiffs expressly plead that the limitations of recovery set forth in the South Carolina Tort Claims Act are inapplicable as to the individual Defendants that acted in a reckless, willful, or grossly negligent manner with respect to the tortious conduct giving rise to the Plaintiffs' Complaints.
22. This action is brought for damages and other appropriate relief pursuant to the statutory and common law of the State of South Carolina, and the South Carolina Tort Claims Act codified at § 15-78-10 *et seq.*
23. Venue is appropriate in this judicial circuit pursuant to South Carolina Code Ann. § 15-7-30 and § 15-78-100(b).

FACTS

24. Jaxson was enrolled as a freshman at the College of Charleston in the fall semester of 2022. Jaxson engaged in fraternity rush during the spring semester,

hoping to join a fraternity and make lifelong friendships. Prior to joining a fraternity, Jaxson had been an avid lacrosse player, social and outgoing, communicative with professors, confident, and close with his parents and siblings.

25. Upon information and belief, the Local Chapter had been engaging in a pattern of conduct, over the course of several years, that violated the policies of the Local Chapter, the National Chapter, and the College of Charleston.
26. Upon further information and belief, Defendant Doe and the Defendant the College of Charleston did not take action appropriately to remove the Local Chapter from the student organizations at the College of Charleston, allowing them to continue to exist as a student organization in good standing.
27. Upon further information and belief, the Defendant College of Charleston knew or should have known that the Defendant Local Chapter was a danger to students, including Jaxson, as a result of the credible information regarding conduct that violated various policies that had been received and ignored by College of Charleston agents or employees.
28. On February 4, 2023, Jaxson and his friend and roommate, received a bid from Sigma Chi Fraternity (the Local Chapter). Jaxson became a pledge, which is a new member not yet initiated to membership of Sigma Chi Fraternity, (hereafter "Pledge"), along with his roommate and other students at the College of Charleston.
29. Upon information and belief, at approximately 2:45 PM, that same day, all of the Pledges met at 30 Morris for the first official Sigma Chi Pledge gathering for the Spring 2023 Pledge Class. To start the day of what would become complete

debauchery, the Local Chapter Brothers brought the Pledges to the backyard of the house. The Brothers surrounded the boys in a circle. They began violently yelling at the Pledges, including Jaxson. They handed the Pledges two handles of liquor and forced the Pledges to drink excessively, passing the bottles between them. The Brothers then forced Jaxson and the other Pledges to go to the corner of the backyard and vomit.

30. That same evening, the Brothers took the Pledges to the balcony of the Skygarden, a local apartment complex, for a party that was supposed to celebrate their new members. Jaxson felt forced to continue drinking, even though he already vomited and was grossly intoxicated. Jaxson's roommate had to call a pedicab to get Jaxson home that night because he was unable to walk.
31. The Pledge class was told to return the next day to an apartment at the Skygarden around 7:15 pm in a coat and tie. The Brothers told the Pledges to get into a corner of the room. The Brothers berated and yelled at the Pledges, while throwing dish soap, sriracha, alcohol, mayo, and beer cans at the Pledges repeatedly. The Brothers poured beer on the Pledges while explaining the rules of the fraternity, including the threat that "loose lips sink ships." As the Brothers continued to throw dish soap, sriracha, alcohol, mayo, and beer cans at Jaxson, he was struck in the eye. Jaxson's eye became swollen, bloody, and black. The Brothers continued to berate and harass Jaxson and the other Pledges.
32. Upon information and belief, after yelling and throwing things at the Pledges, the Brothers gave the Pledges their assignments. The Pledges were split up between the Brothers' houses and apartments to clean the Brothers' living spaces. At one house that Jaxson was forced to clean, he was forced by the Brothers into smoking

marijuana and using tobacco. At another house, Jaxson was handed a red solo cup full of liquor. Defendant Furze instructed Jaxson to chug the liquor within 20 seconds. Jaxson did as he was commanded and then threw up over the balcony of Line Street, Apartment C. Jaxson was intoxicated and sick for the rest of the night while cleaning the Brothers' living spaces. Jaxson was required to clean until 2:00 AM.

33. Jaxson began to develop severe anxiety. He dreaded what he was going to be forced to do by the Brothers, but remembered what he was told about "Loose Lips Sink Ships," and that "once you are in Sigma Chi, you are in forever." Jaxson began to develop difficulty sleeping.
34. On or about February 6, 2023, by 8:00 AM, Jaxson and the other Pledges were inundated with insulting demands, as the Pledges were "on call" from 8 am until 12 am every weekday and 24 hours per day on the weekends.
35. During these "on call" hours, the Pledges were required to do anything that the Brothers asked of them. Jaxson and the other Pledges cleaned every hour of that day, except during the "study hall" period. When Jaxson went to 30 Morris Street to clean, he forced into taking what the Brothers called a "T Bowl," which was initially tobacco in a bong. It made Jaxson sick and that was only the first house he had to go to that day. He cleaned for the rest of the day until study hall and then was forced to go to an apartment at the Abbey to clean for the rest of the night. Jaxson continued to suffer severe emotional distress.
36. On or about February 7, 2023, Jaxson and the Pledges woke up to more texts giving out orders. They were required to clean in between classes and then go to "study hall." While Jaxson was in "study hall," he was told to report to 66 America

once “study hall” had conclude. 66 America was rumored to be the worst hazing house in the Fraternity. One of Jaxson’s Pledge Brothers told Jaxson that they “played a game” with him the night before called “Spoons,” in which they hurled metal spoons at the back of the Pledges’ heads while they stand in a corner, unable to defend themselves. Jaxson’s apprehension, anxiety, and dread grew, but he felt he had no choice but to go to 66 America. While Jaxson was still in “study hall,” Defendant Garzon texted Jaxson to buy a 24 pack of bud light and 2 Four Lokos just for Jaxson to consume. Jaxson, who was not 21 years old at the time, was told to use the Brothers’ ID.

37. At 10:00 PM, Jaxson reported to 66 America without the alcohol that he was demanded to purchase. Jaxson knew he had to get there on time or he would be forced to wall-sits for every minute he was late. Because he showed up without the alcohol, the Brothers sent him to a specific, notoriously sketchy and dangerous corner store with the fake ID of a “Louis R. Colace.” When Jaxson returned, he was forced to do wall-sits until he knew every Brothers’ name while being forced to drink a Four Loko. When Jaxson drank all of the Four Loko, they made him return to the notoriously dangerous corner store to buy the Brothers snacks. While he was walking back to 66 America, he was stopped by four unidentified African American males. They surrounded Jaxson. Jaxson was terrified for his safety, as it was four grown men on one 18 year-old boy. They asked him if he had any cash, to which he said he didn’t. When they didn’t believe him, they checked his pockets. When the four men realized he didn’t have any cash, they let him go.
38. Upon information and belief, Jaxson returned to 66 America and told the Brothers that he was nearly mugged as he gave them their snacks. Defendant Garzon

replied, “in celebration for not getting stabbed tonight, drink your other Four Loko.” Jaxson drank the Four Loko as the Brothers brought out cocaine. The Brothers harassed Jaxson to partake in the cocaine. When Jaxson repeatedly refused, the Brothers rebuked him. Defendant/Brother Frank Schiavo put his “coke spoon necklace” on Jaxson and told him that since Jaxson was so against cocaine, Jaxson had to wear the coke spoon around his neck for the rest of his “pledgeship.” This humiliated Jaxson and he was embarrassed that anyone who saw him, including his professors, would think that he used illegal drugs, including cocaine. Defendant Schiavo then “offered” to play spoons with Jaxson, which was what Jaxson feared after hearing how painful and belittling it was. Instead, the Brothers told Jaxson to stand in the corner of a room and they proceeded to throw beer cans at him. They took a cap-gun and shot it inches from Jaxson’s ears, causing him great ear-pain, headaches, and ringing in his ears. The Brothers told Jaxson to lay face down, as they proceeded to throw more beer cans at him and pour some unidentified liquid. Jaxson laid face down with his eyes shut and prayed for the torture to be over.

39. Upon information and belief, the Brothers finally let Jaxson up off the floor and demanded that he clean the mess and the kitchen. Defendant Schiavo threw beer bottles at Jaxson and glass shattered all over the floor and at Jaxson’s feet. Jaxson was instructed to clean up the broken glass during which Defendant Schiavo threw additional glass bottles, breaking them all around Jaxson. Jaxson was still forced to consume alcohol during this time. He was incredibly intoxicated at this point and the Brothers returned to the kitchen to harass him. Jaxson fell to the floor and he couldn’t move, as the Brothers poured multiple drinks on him, soaking him. The

Brothers then kicked Jaxson in the stomach, back, and sides. Jaxson was paralyzed on the floor out of fear and pain from their assaults, and intoxication from the alcohol they forced him to drink. The Brothers began to videotape Jaxson struggling on the ground and Jaxson's inability to get up. They facetimes a girl and put the phone to Jaxson's face to humiliate him and see him struggling on the ground.

40. The Brothers picked Jaxson up and put him up against the fridge. They forced him to take two "T Bowls" to make him vomit up the alcohol they made him consume. When he couldn't throw up, he only felt worse. The Brothers took Jaxson's phone and told another Pledge to come and get him and take Jaxson home. However, when Pledge Brother who was lured to get Jaxson arrived, the Brothers made him drink more of Jaxson's Four Loko and began to haze him. Jaxson tried to sober up and was told to help his Pledge Brother finish cleaning the kitchen. Defendant Schiavo continued to throw beer bottles at their feet for Jaxson and his Pledge Brother to clean up. Another Pledge Brother was required to come and get Jaxson. He did not arrive back at his dorm until 2:00 AM.
41. On or about February 8, 2023, Jaxson vomited repeatedly. He was ordered to go back to 66 America and get the Brothers Chick-Fil-A breakfast. Jaxson cleaned for the rest of the day and went to mandatory "study hall" before being sent to two houses to clean for the night.
42. On or about February 9, 2023, Jaxson reached out to a Brother for help and guidance. The Brother reassured Jaxson and told him to stick it out. The Brother invited Jaxson to come to his house to chat. Jaxson went to the Brother's house and folded laundry. Jaxson was then ordered to do a cigarette run for another

Brother. Jaxson dropped off the cigarettes for another Brother and he was then told to report to another house immediately or he would be “f*cked.” Once Jaxson arrived, Jaxson was greeted by 6 people, including some Brothers. The 6 people were drinking, smoking pot, and doing cocaine. They pressured Jaxson once again to smoke marijuana, which he refused. They responded by putting tobacco on top of the marijuana to disguise it and tried to force him to smoke it. Jaxson repeatedly said “no.” Instead, they made a “T Bowl,” with as much tobacco as possible and tried to make made Jaxson smoke it again. They called him a “p*ssy” and a “f*ggot” because Jaxson refused to smoke the marijuana and "T-Bowl." To punish him, the Brothers made Jaxson do “bows and toes” and threatened to put bottle caps on his elbows to make it more painful.

43. Upon information and belief, once some of the crowd left, the Brothers made Jaxson clean as a punishment for refusing to do as they had ordered him.
44. Jaxson couldn't stand the torture anymore. Jaxson then ignored every call and text from the Brothers, who berated him for not answering. Jaxson was told that he was “f*cked” for doing so.
45. Upon information and belief, on the morning of February 10, 2023, Jaxson called the Magister, Defendant Locke, to tell him that he would be dropping from the fraternity. Defendant Locke and many of the other brothers began calling Jaxson nonstop to try to convince him otherwise. They all concluded that Jaxson needed to meet with them one more time to do what they called an “Exit Interview.” Jaxson declined because when Jaxson's roommate dropped after the first night, the Brothers used the “Exit Interview” to harass him and delete evidence of hazing from his phone.

46. Upon information and belief, Jaxson's roommate had dropped due to being hazed so badly; being accused of being a homosexual; and called gay-slurs after being physically harassed. Once word got out that Jaxson dropped, Defendant Cummings told Jaxson that Jaxson "should go have gay-sex with his roommate" and that Jaxson was a "p*ssy" for dropping. Defendant Cummings threatened Jaxson and told him Jaxson better start looking for other schools to which to transfer.
47. Upon information and belief, on or about February 11, 2023, Jaxson got a series of texts messages from Defendant Schiavo, who wanted his coke spoon necklace back. When Jaxson advised Defendant Schiavo that he threw it away, a litany of threats ensued. Defendant Schiavo told Jaxson that if Defendant Schiavo ever saw Jaxson again, it was going to be very tough for Jaxson. Defendant Schiavo told Jaxson that he better transfer schools. Jaxson, knowing that Defendant Schiavo followed through on his threats, reached out to Defendant Locke. Immediately thereafter, Brothers began to text Jaxson to apologize on Defendant Schiavo's behalf and insisted, once again, that they must do an exit interview. The Brothers said they "would not take no for an answer." Jaxson replied "maybe," to get the Brothers to stop harassing him, but then ignored their multiples calls and texts to try to meet up with Jaxson. Jaxson knew that if he met with the Brothers, they would delete all of the incriminating evidence of hazing and abuse on his phone. Jaxson avoided the Brothers, out of fear of being silenced and fear of being beaten as he was before.

48. In the weeks following the hazing, Jaxson was too scared, depressed, and anxious to leave his dorm, fearing that the Brothers would find him and follow through with their threats. Jaxson's mental health deteriorated drastically.
49. Jaxson's condition was so bad and so different from how he was when he arrived to the College of Charleston that his friends and his RA noticed. Ashley Daniel, Assistant Dean of Student Affairs, reached out to Jaxson. Ms. Daniels said, "one of my roles is to reach out to students who may have identified previous personal, health, or well-being concerns that may be contributing to a difficult semester." A Student Care Zoom was scheduled for February 28, 2023, however, this did not help Jaxson get out of his dorm, continue to go to classes, or aid in his mental state. He was still reliving the events of his pledge period with the Local Chapter and was ostracized at the College of Charleston because of the threats and abuse by the Brothers.
50. Upon information and belief, Jaxson finally shared his experience with his parents. Upon hearing about the hazing, Jaxson's mother, Angela Lovelace, vomited on her bed. Mr. Lovelace spent hours out of many workdays and during after-hours speaking with the school and trying to better understand how the school was going to protect his son from abuse, how they were going to keep Jaxson safe, and how to improve Jaxson's experience at school.
51. Upon information and belief, the Lovelace family traveled between Greenville and Charleston to check on Jaxson, as they feared for his mental and physical well-being.
52. Upon information and belief, Jaxson was forced to withdraw from the school club lacrosse team for fear of backlash from the Brothers that played on the team.

53. With only five weeks remaining in the semester, Jaxson was forced to withdraw from the College of Charleston.
54. Jaxson's parents lost tuition expenses paid to the College of Charleston for the spring semester.
55. Jaxson was forced to forfeit his Life scholarship due to losing the credit hours from Spring Semester and his inability to take summer classes due to his mental state.
56. Jaxson enrolled at the University of South Carolina in the fall of 2023 but was ostracized and blackballed. Jaxson continues to suffer mental anguish.

**FIRST CAUSE OF ACTION
(NEGLIGENCE)
AS TO ALL DEFENDANTS**

57. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.
58. The Defendants owed a duty of care to Jaxson.
59. The Defendants knew or should have known that the acts or omissions of the Local Chapter were dangerous, negligent, grossly negligent, or in contravention of the policies and expectations of the Defendants.
60. Jaxson's injuries are the direct and proximate result of, are due to and occasioned by the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants, in the following particulars, to-wit:
 - a) In requiring the Pledges to engage in excessive drinking of alcohol;
 - b) In requiring the Pledges to ingest, smoke, or snort illegal substances and drugs;
 - c) In requiring the Pledges to be subjected to tortious or hazing activities;
 - d) In failing to protect Jaxson from injuries which were reasonably foreseeable in

- light of the circumstances;
- e) In continuing to engage in traditions and practices which were dangerous and put the physical and mental well-being of the Pledges at risk;
 - f) In failing to render aid to Jaxson when it became apparent that his conditions reasonably required such aid;
 - g) In failing to adhere to the policies of the Local Chapter, the National Chapter, and the College of Charleston in the treatment and supervision of fraternities and pledges;
 - h) In failing to provide education and training about the expectations and policies of Sigma Chi Fraternity;
 - i) In failing to provide adequate supervision that the expectations and policies of the National Chapter were being followed at all times by the Local Chapter;
 - j) In failing to response to credible allegations of misconduct in suspending fraternity activities or intervening to protect Pledges;
 - k) I In failing to communicate with the Local Chapter and prohibit them from
 - l) engaging in such hazing activities and rituals;
 - m) In failing to provide education and training about the expectations and
 - n) policies of College of Charleston to the Brothers of Local Chapter;
 - o) In failing to suspend immediately the activities of the Local Chapter when the Defendant knew or should have known that the Local Chapter was engaging in conduct violative of the expectations and policies of College of Charleston;
 - p) In failing to take action to protect Pledges, including Jaxson Lovelace, from injuries which were reasonable foreseeable in light of the circumstances;
 - q) In failing to provide adequate supervision that the Local Chapter was adhering to the expectations and policies of the Defendant;
 - r) In failing to intervene when traditions, behaviors, or activities by the Brothers of the Local Chapter provided notice that intervention was necessary;
 - s) In failing to enforce the policies of the Defendant with the Local Chapter in the treatment and supervision of Pledges, including Jaxson Lovelace;
 - t) n failing to intervene when traditions, behaviors, or activities by the Brothers of the Local Chapter provided notice that intervention was necessary;
 - u) In failing to adhere to the expectations and policies of the National Chapter;

- v) By other negligent or grossly negligent acts and/or omissions yet to be determined or defined; and
 - w) In such other particulars as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.
61. All of which acts are in direct violation of the statutory and common laws of the State of South Carolina.
62. The acts and/or omissions of these Defendants as described above were negligent, grossly negligent, willful, wanton, and reckless.
63. As a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, Plaintiffs have suffered damages as more fully set forth in the following Paragraphs of this Complaint.

**SECOND CAUSE OF ACTION
(GROSS NEGLIGENCE)**

AS TO DEFENDANTS FRANCIS W. SCHIAVO, BENJAMIN GRAHAM LOCKE, CHRISTOPHER ROBERT FURZE, MICHAEL ORAZIO GARZON, JOHN LENNOX CUMMINGS, IOTA EPSILON CHAPTER OF SIGMA CHI FRATERNITY, SIGMA CHI INTERNATIONAL FRATERNITY, INC., AND JOHN DOE

64. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.
65. During all times material to the claims herein, these Defendants' acts and omissions amounted to gross negligence, recklessness, and a willful and wanton disregard for the safety and wellbeing of Jaxson Lovelace. The reckless, willful and wanton acts of these Defendants include, but are not limited to, those set forth in the foregoing Paragraphs.
66. As a direct and proximate result of the willful and wanton acts, as well as the gross

negligence of the Defendants, Jaxson Lovelace sustained severe injuries and damages.

67. As a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, Plaintiffs Benjamin and Angela Lovelace suffered damages as more fully set forth in the following Paragraphs of this Complaint.

**THIRD CAUSE OF ACTION
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
AS TO DEFENDANTS FRANCIS W. SCHIAVO, BENJAMIN GRAHAM
LOCKE, CHRISTOPHER ROBERT FURZE, MICHAEL ORAZIO GARZON,
JOHN LENNOX CUMMINGS, IOTA EPSILON CHAPTER OF SIGMA CHI
FRATERNITY, SIGMA CHI INTERNATIONAL FRATERNITY, INC., AND
JOHN DOE**

68. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.

69. As a direct and proximate result of the willful and wanton and reckless acts, as well as the gross negligence of the Defendants, Jaxson sustained severe injuries, suffering, and abuse.

70. Mr. and Mrs. Lovelace, as parents of Jaxson, are closely related, as required by South Carolina law recognizing negligent infliction of emotional distress.

71. The acts or omissions of the Defendants caused serious physical, mental, and emotional injuries to Jaxson as well as his parents.

72. The Plaintiffs were, at all times relevant, in close proximity to Jaxson during the time in which he suffered with injuries and conditions inflicted upon him by the Defendants. Further, the Plaintiffs contemporaneously perceived the suffering and mental health deterioration of their son.

73. As a proximate result of the Defendants' conduct, the Plaintiffs suffered severe emotional distress, worry, and anxiety and will continue to suffer severe emotional distress, worry, and anxiety in the future.
74. It was foreseeable that allowing their son to be subjected to hazing, physical, and verbal abuse would result in severe emotional distress to the parents of a new college student.
75. Jaxson and Angela Lovelace individually are entitled to recover actual and punitive damages, as set forth herein, from the Defendants in an amount as to be determined by this Court.

**FOURTH CAUSE OF ACTION
(OUTRAGE)**

AS TO DEFENDANTS FRANCIS W. SCHIAVO, BENJAMIN GRAHAM LOCKE, CHRISTOPHER ROBERT FURZE, MICHAEL ORAZIO GARZON, JOHN LENNOX CUMMINGS, IOTA EPSILON CHAPTER OF SIGMA CHI FRATERNITY, SIGMA CHI INTERNATIONAL FRATERNITY, INC., AND JOHN DOE

76. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.
77. As a direct and proximate result of the willful and wanton and reckless acts, as well as the gross negligence of the Defendants, Jaxson sustained severe injuries, suffering, and abuse.
78. Jaxson Lovelace is entitled to recover compensatory damages from the Defendants in an amount to be proven at trial.
79. Jaxson Lovelace is entitled to recover punitive damages from the Defendants in an amount as to be determined by this Court.

80. Defendants intentionally or recklessly inflicted severe emotional distress, was certain or substantially certain, that such distress would result from such conduct.
81. Defendants' conduct was so extreme and outrageous so as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
82. Defendants' actions proximately caused Plaintiffs to suffer emotional distress.
83. The emotional distress suffered by the Plaintiffs was severe such that no reasonable parents could be expected to endure it.
84. The emotional distress suffered by Jaxson was severe such that no reasonable person could be expected to endure it.
85. Jaxson Lovelace is entitled to recover actual and punitive damages, as set forth herein, from the Defendants in an amount as to be determined by this Court.

DAMAGES

86. The Plaintiffs reallege and incorporate herein all the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.
87. As a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, Jaxson Lovelace suffered numerous painful and severe injuries to his body, as well as mental, emotional, and financial injuries, including but not limited to:
- a. Pain, suffering, and mental distress experienced by all Plaintiffs;
 - b. Loss of enjoyment of life;
 - c. Tuition and moving expenses;
 - d. Loss of the benefit of the Life Scholarship funds;
 - e. Punitive damages; and

f. Other damages yet to be determined.

88. As a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, Benjamin and Angela suffered numerous mental, emotional, and financial injuries, including but not limited to:

- a. Pain, suffering, and mental distress experienced by all Plaintiffs;
- b. Loss of enjoyment of life;
- c. Loss of business, revenue, and wages;
- d. Punitive damages; and
- e. Other damages yet to be determined.

PUNITIVE DAMAGES

119. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing Paragraphs as fully as if repeated herein.

120. The acts and/or omissions of the Defendants, as stated above, were willful, wanton, and/or in reckless disregard for the safety and wellbeing, of Jaxson Lovelace.

121. As a direct and proximate result of the willful, wanton, and/or reckless acts and omissions of the Defendants, Jaxson Lovelace was injured physically, mentally, emotionally, and financially.

122. The conduct of the Defendants as set forth above justifies an award of punitive damages for each and every claim of the Plaintiffs as set forth herein.

WHEREFORE, the Plaintiffs demand a trial by jury pursuant to Rule 38(b) of the South Carolina Rules of Civil Procedure (SCRCP), and Plaintiffs pray for judgment against Defendants, for actual and punitive damages in an amount to be determined by the jury

which Plaintiffs allege to be in excess of Ten Million (\$10,000,000.00) Dollars actual damages, plus punitive damages, such allegation being made for the purpose set forth in Rule 30(h) of the SCRCF, for the costs of this action, and for such other and further relief as this Court may deem just and proper.

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ATTORNEYS FOR THE PLAINTIFFS

January 15, 2024
Anderson, South Carolina