

RAPED AND ROBBED

Lawsuit says fraternity members participated in conspiracy to take advantage of incapacitated women

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These pictures were taken during a mandatory assembly at Stockton University. (submitted photos)

A group of Stockton University students engaged in a conspiracy to take advantage of incapacitated young women, according to a new lawsuit alleging that a freshman pledging Pi Kappa Phi fraternity raped a family friend who started attending the college the same year as he.

The civil lawsuit, filed last week, says members and associates of the fraternity hosted parties where females were given different colored drinks than males.

against sexual abuse victims who insist on involving law enforcement for an official criminal investigation.

The new lawsuit is the third one filed in as many weeks by women who all have similar stories regarding how they were raped after attending a Pi Kappa Phi frat party at a house within a 10-minute drive of Stockton's campus.

Stockton University stopped recognizing Pi Kappa Phi as a fraternity in 2010, according to the college's website, which lists it as a "rogue" group that exists "off campus" and does not follow university policies and regulations.

However, the latest lawsuit alleges that members of Pi Kappa Phi indeed participated in recruiting Stockton students during what is colloquially known as Rush Week.

"All Stockton had to do was tell its students that if they join this rogue fraternity they'll be expelled from school," the victim's attorney Robert Fuggi said in a phone conversation. "But they did nothing."

The suit filed last week alleges that a female student identified by the initials D.N. was raped by fellow Stockton student Dan Novak. The lawsuit says D.N.'s family knows Novak's family. However, the two of them first met at freshman orientation in the summer of 2014 and started hanging out when school began in August of that year.

Along with the college and the fraternity, Novak is named as a defendant in the lawsuit, which says he raped her after attending an invite-only party at the Pi Kappa Phi frat house in Egg Harbor City.

Galloway Township Police call logs, obtained by this newspaper through a public records request, show that cops were dispatched to the Pi Kappa Phi frat house a total of 50 times between April 2010 and July 2017. The complaints police received during that period include loud noise, thefts and sexual assault.

The Trentonian was unable to obtain reports related to the sex assault because of confidentiality laws. A public records custodian said they would be able to release the criminal complaint or arrest information regarding the incident, but no criminal charges were filed.

"Because of all those calls, Stockton University should've done something about it," Fuggi exclaimed. "And what about the stuff that's not documented? It was probably even more of a problem than that."

Fraternities and sororities begin recruiting freshmen during New Student Week, according to the lawsuit, which says a mandatory college-sponsored assembly discussing sexual activity "outside the bounds of normal scholastic endeavors" takes place that week as well.

“Mandatory school-sponsored assemblies like this explain why Stockton University has the systemic problems it has,” the lawsuit states. “These assemblies have no implicit value in higher education.”

In September 2014, the lawsuit says, Novak invited D.N. to a date night rush event at Pi Kappa Phi, which he was interested in joining. Novak allegedly told her pledges of the fraternity were taking dates to the event, and that it would be a chance to meet all the brothers of Pi Kappa Phi.

D.N. told her parents about the date night, since the two families know each other, the lawsuit says. And she dressed up for the event, even though she had no interest in Greek life.

She “was not aware of the differences between recognized and non-recognized, and on-campus/off-campus, fraternities and sororities,” the lawsuit says. “This would be D.N.’s first and only college fraternity party.”

On the night of the date event, the lawsuit says, Novak didn’t pick up D.N. until approximately three hours after the 9 p.m. time they had agreed upon. The car he arrived in occupied two other people and Novak appeared to be intoxicated, leading D.N. to believe he was previously at the party. On the way to the frat house, the suit says, they stopped at a convenience store to purchase cigarettes and energy drinks because Novak had “pledged responsibility” for providing the items to members of Pi Kappa Phi.

After they eventually reached the party, the lawsuit says, Novak produced

two alcoholic drinks, both in clear cups: he handed a colored drink to D.N. and kept a different colored beverage for himself.

The lawsuit alleges all the females had to drink the same colored beverages while the males drank a different colored concoction, and that clear cups were used instead of the red Solo party cups to assist the boys in differentiating between the drinks.

According to New Jersey law, a plaintiff can claim a civil conspiracy if the defendant allegedly entered into an agreement with at least one other person for the purpose of committing an unlawful act. The lawsuit alleges the fraternity’s members and associates knew the girls’ drink was spiked with drugs.

The beverage for the females tasted salty and watered down, according to the lawsuit, so D.N. asked if she could taste Novak’s drink. And when she asked Novak to taste her drink, he refused.

“It tasted vastly different because his drink had the distinct taste of alcohol in it,” the lawsuit says.

The lawsuit says Novak later gave her more of the beverage for girls and provided her a cup of water after she asked for one. A short time later, D.N. began feeling dizzy and developed a headache. The last thing she remembers from that night is requesting to go home after declining to lie down on a “disgusting” couch in the basement of the frat house.

“She had only been present at the Pi Kappa Phi fraternity house for about 45 minutes to one hour before becoming incapacitated as a result of being drugged,” the lawsuit alleges.

“Not only were the things that went on at this frat house unbelievable, the stuff that happened on campus was incredible as well,” Fuggi said.

When D.N. regained consciousness, the lawsuit states, she found Novak staring at her naked body as she lied on his bed in his campus dorm room. Her vagina and anus felt sore. The clothes she wore to the party were rolled into a ball on the floor and her panties were missing, as well as her flip flops and \$20 in cash. She never recovered the missing property.

“She was absolutely robbed,” Fuggi said. “These guys take things as trophies from these women.”

The lawsuit says D.N.’s mind was hazy for the entirety of the day following the party, and that she told her family she didn’t feel well and had slept in Novak’s dorm room. The vaginal and rectal pain continued for several days, making it difficult for her to use the restroom.

Novak later admitted via text message that he and D.N. had sex that night, after she pressed him for more information about what happened, the lawsuit says. D.N. claims she never consented to sex with Novak, and that it would have been impossible to do so because she blacked out prior to returning to the campus.

The lawsuit also says a campus police investigation revealed that Novak and two of his friends used their college ID cards to gain access to the floor he resided on within minutes of each other, leading D.N. to believe she was raped by all three men.

“She was bleeding vaginally and rectally and couldn’t physically move the next day,” Fuggi said. “She believes those other students, in addition to Novak, sexually assaulted her.”

The trauma D.N. experienced from that incident negatively affected her school work and personal life to the point where her mother would pick her up from the college on Fridays and return her to school Monday morning.

“D.N. did not want to stay at school for fear of being sexually assaulted,” the lawsuit says.

She also has frequent flashbacks and nightmares about Novak and the frat house basement. The visions usually include “multiple people looking and touching her while she is exposed and naked,” the lawsuit says.

Novak repeatedly apologized to D.N. via text messages, according to the suit, but has never told her the complete story of what happened that night.

D.N. attended counseling with an on-campus official, but eventually stopped because “it wasn’t helping.” She also sought treatment from an off-campus doctor who prescribed medication to

treat depression. However, the suicidal thoughts continued and she was eventually admitted into a behavioral health center in Mercer County.

The lawsuit says Stockton University's Title IX investigation officially concluded in March last year that the college "did not take any administrative action against Novak or Pi Kappa Phi."

Despite not being recognized by the college for the past eight years, it appears associates of the fraternity were indeed telling Stockton students that the organization is active on campus. This newspaper previously reported accounts of two other female victims who filed lawsuits against someone associated with the fraternity who allegedly raped them last year.

The chief executive officer of the fraternity claims the defendants named in the lawsuits are not Pi Kappa Phi members.

Novak is currently a member of the Alpha Phi Delta Gamma Mu Chapter at Stockton University, according to the fraternity's website. Attempts to reach him for comment were unsuccessful.

A university spokesperson previously told this newspaper the college declined to comment due to pending litigation but had asked the New Jersey Attorney General's Office to investigate allegations contained in a previously reported lawsuit.

"I'm glad these women came forward because now they have to take notice and make changes," Fuggi said. "The way Stockton handled not only themselves, but also the student body, is deplorable."