

# Third Stockton University student files sexual assault lawsuit

MAXWELL REIL & JOHN DeROSIER Staff Writers 2 hrs ago



Submitted

A third woman is suing Stockton University, claiming she was drugged and raped at an off-campus Pi Kappa Phi fraternity party in 2014 in Galloway Township, according to a lawsuit filed in federal court Friday.

The allegation is the third in two weeks involving the same fraternity. The fraternity is unaffiliated with Stockton and lost recognition from the university in 2010, according to the school.

"Stockton University's first priority is the safety of all students. We will continue to assert our 'Students First' commitment and provide a safe and caring environment for all students and every member of the Stockton community," a statement from the university said.

Zachary Madle, a 2015 graduate and a member of the Pi Kappa Phi fraternity at the time of the alleged incidents, is a defendant in the first two lawsuits, which were filed July 6 and 13. A female student claimed she was sexually assaulted by Madle on Feb. 15, 2017, and that a video of the assault was posted to social media. A second woman is suing Stockton, claiming she was raped at an Oct. 20, 2017 fraternity party by the same man, according to a lawsuit filed in federal court.

In the latest complaint filed Friday, the plaintiff, identified as D.N., alleges in the lawsuit the defendant, Dan Novak, had provided alcohol and used a date rape drug that was put in D.N.'s drink without her knowledge.

Madle and Dan Novak have not been charged in either of their cases. Attempts on Monday to reach Novak, a resident of Mount Laurel, Burlington County, were unsuccessful. Madle did not return requests for comment.

All three women are represented by Robert Fuggi of Fuggi Law Firm of Toms River. Fuggi did not return a request for comment Monday afternoon.

The lawsuit says the university knows or should know that Pi Kappa Phi is a dangerous place but does nothing to protect students. It also claims the employees hired by the university to help victims of sexual assault are "dangerous and/or ill-equipped to perform their duties."

On Monday, the university said in a statement it requires incoming students to attend orientation and "Welcome Week" programs that specifically address topics such as sexual assault and violence prevention, and that it advises its students to immediately report any threatening incident to the authorities.

The latest lawsuit, however, claims those programs are a sham that focus on sexually charged topics of discussions. Lines such as "If she spits, don't trust her, masturbation, oral sex, and dry sex" are portrayed on placards and Power Point presentations throughout the assemblies, according to the lawsuit.

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

D.N. first met Novak in the summer of 2014 at student orientation. The alleged assault occurred on Sept. 23, 2014 after Novak asked D.N. to be his date to a party at the Pi Kappa Phi fraternity. Novak and D.N. both lived in on-campus dorms at the time, according to the lawsuit.

Novak picked D.N. up three hours late and already appeared drunk, according to the lawsuit. When they arrived at the fraternity house, Novak got two drinks, one red drink for himself and one green drink for D.N. According to the lawsuit, the red drinks were for the guys and green drinks for the girls.

After two drinks and spending only 45 minutes at the party, D.N. began to experience "a very odd feeling suddenly come over her," the lawsuit said. Novak then said he would get them a ride back to campus. This was the last memory D.N. had before "blacking out," according to the lawsuit.

When she woke up the next day, she was in Novak's dorm room, naked, with Novak staring at her, according to the lawsuit. The lawsuit also claims D.N. felt "something sexual had happened to her."

Over the next few days D.N. asked Novak through text messages if the two had sex. He said they did, and she told him that she didn't remember that happening, according to the lawsuit.

After the ordeal, D.N. began to seek help and was prescribed anti-depressants in March of 2015, according to the lawsuit.

The lawsuit goes on to say that D.N. was suicidal at the start of the 2015 fall semester. That winter, according to the lawsuit, D.N. texted Novak again to see what happened that night. Novak did not reply.

On Jan. 20, 2016, the plaintiff met with Stockton representatives Valerie Hayes and Diane Epp in pursuit of a Title IX proceeding against Novak. Title IX is the federal law that prohibits gender discrimination in schools that receive public funds.

The university investigation came to a conclusion in March of 2017 in which Stockton didn't take any administrative action against Novak or Pi Kappa Phi, according to the lawsuit.

The lawsuit lists Novak, Stockton University and two John Doe's as the defendants in the case.

Since 1994, there have been seven fraternities and sororities listed as not recognized student organizations and have no current affiliation with Stockton University after losing recognition.

**Contact: 609-272-7258 mreil@pressofac.com**

**Twitter @acpressmaxreil**