

4th Stockton student claims in suit she was drugged and raped. Lawyer expects more victims

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For the fourth time in as many weeks, another former Stockton University student is suing the school, alleging she was raped after being incapacitated at a party hosted by an underground fraternity.

In a civil case filed in federal court in Camden Friday, a young woman claims two men raped her a total of three times while she was blacked out and unable to consent on Sept. 7 and 9 last year.

One is a current student and at the time was a sergeant in the campus' student-run, volunteer emergency medical services organization, Stockton EMS.

Toms River attorney Robert J. Fuggi Jr. has filed each suit, and said Monday he expects to file more.

"I don't know how many will come forward. I'm getting calls and emails from other victims," he said. "It's a systemic problem at Stockton."

While none of the men they're accusing have been charged with sexual assault, they are named as defendants in the lawsuits, along with Stockton University and Pi Kappa Phi. The national fraternal organization has said it has not had a chapter at Stockton since 2010, but the university and the lawsuits state that students have continued to operate a rogue fraternity under that name at a house off campus in Egg Harbor City.



The bruises on a former Stockton University student who says she was raped twice by a student. (Provided photo)

Fuggi argues that the university knows the unauthorized frat and their location is a hotbed of underage drinking and sexual assault, and could have shut it down years ago by disciplining the student members.

Diane D'Amico, a spokeswoman for Stockton, said the university warns students on its website and at orientation to avoid "unrecognized groups" like Pi Kappa Phi "for safety reasons, as these students are not regulated in any way by the University."

The most recent lawsuit claims that the young woman, a freshman, drank two beers at a frat party Sept. 7. She became dizzy and passed out, only awakening to find an "unknown red headed male on top of her having sex with her" in a bedroom in the house, the suit said.

She never learned his name and he is referred to in the lawsuit only as John Doe.

When she got back to campus, her dorm roommates kicked her out, the suit said. She contacted William Murphy, a junior whom she knew, looking for support and a place to stay, the suit said. He was a sergeant in the EMS squad, an organization she had applied to join, according to the lawsuit.

He brought her to his room, listened to what had happened to her, and then handed her a bottle of rum, encouraging her to take a few shots to calm down, she claims in the suit. The next thing she remembered was being in the shower with Murphy, and then waking up in his bed in the morning.

She reported the alleged assault by the red-headed man to her resident advisor and spoke with someone at residential services, telling them she did not want to pursue criminal charges. However, she did go to the hospital and complete a rape kit, which showed evidence of sexual activity, the suit said.

She did not report Murphy for rape, she said, because she was unsure what had happened when she blacked out.

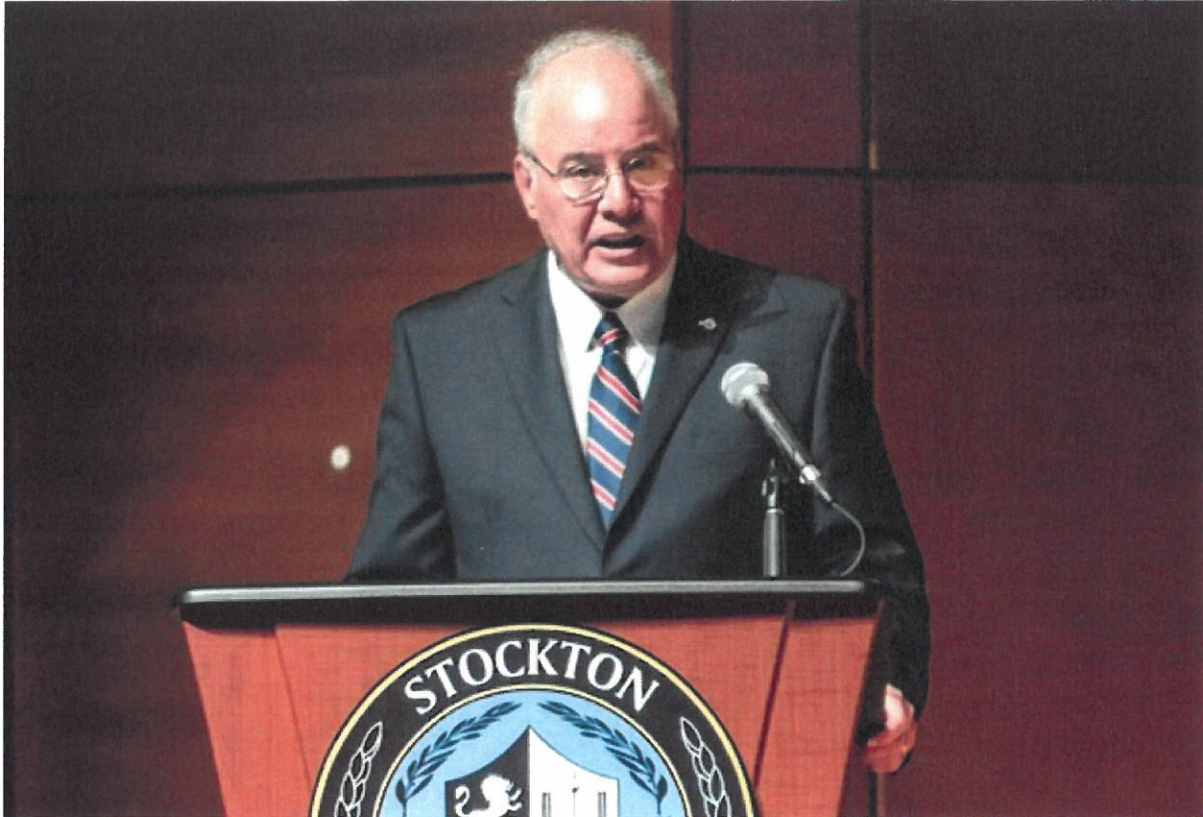
On Sept. 9, Murphy asked her to come over so they could talk about what had happened. In his room, he "tried to dispel her worries" and again plied her with rum until she was incapacitated and raped her a second time, the lawsuit claims.

Afterwards, her roommates helped her photograph bruises they noticed on her neck, shoulders and chest, the lawsuit said. She went to the hospital but declined to go through the unpleasant process of completing a rape kit, the suit said.

After the trauma of the events, the woman became depressed. She attempted suicide in November by taking medications, and left the university in December, the suit said. She's seeking damages and, as in the other three suits, a court order for the university to take steps to prevent future sexual violence.

Murphy is still a Stockton student, but no longer on the EMS squad, D'Amico, the spokeswoman said. Murphy could not immediately be reached for comment Monday.

Fuggi wrote in the lawsuit that the university never initiated a sexual assault investigation despite the young woman reporting the rape on Sept. 8. Even if the woman didn't want to pursue criminal charges, Fuggi said the university should have started its own investigation given the risk Murphy might assault other students.



Stockton University President Dr. Harvey Kesselman speaks in this 2017 file photo. (Kristian Gonyea photo)

On July 23, after three of the four lawsuits had been filed, university President Harvey Kesselman issued a statement saying the school takes sexual assault reports seriously and is cooperating with authorities. He said he cannot comment on specifics because of the pending litigation.

"We advise our students to immediately report any incident or concerning situation to authorities. Campus authorities immediately initiate all protocols relating to any incident and document all such actions," he said. He said the university has specialized staff "who are devoted to supporting students in times of crisis."

Kesselman said the university also tries to educate students about the risks of sexual violence through its orientation program. "As we prepare for the new academic year, we will be reinforcing those messages and reviewing our procedures as we strive to ensure all students feel confident that we are committed to their safety," Kesselman said.

The first lawsuit July 6 claimed Stockton grad and former Pi Kappa Phi member Zachary Madle had raped her at her dormitory twice after she met him at a frat party. A week later, another woman claimed Madle violently raped her on two occasions at the frat house.



The

18-year-old who alleges in the second suit that she was raped took photos of injuries to her neck after the Oct. 20, 2017 incident. (Provided)

The third lawsuit claimed that a female student was drugged at the frat house and later raped on campus by student Daniel Novak, and possibly two of his friends.

None of the men have been charged with sexual assault, according to court records.

However, Madle, who allegedly posted a video of the assault on SnapChat, was charged with invasion of privacy by recording a sex act without consent in connection with the incident described in the first lawsuit.

Each lawsuit claims that drinks were spiked at the frat parties, with the goal of incapacitating women so they could be sexually assaulted.

Fuggi said in an interview that he believes the fraternity made a practice of mixing two different kinds of drinks for the parties, and making the women drink the green drink while the frat members drank a red mixed drink. The green drink was either spiked with a drug or mixed in some way to make it incredibly strong, he said.

"We think there's something more nefarious going on," he said.

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