

The Times of Trenton
December 29, 2007

Family sues Rider over death
Son died of alcohol poisoning during fraternity event

BY DARRYL R. ISHERWOOD

LAWRENCE -- The family of Rider University freshman Gary DeVercelly Jr., who died last spring of alcohol poisoning after an apparent fraternity hazing, filed suit against the school yesterday claiming officials did not sufficiently supervise the on-campus fraternity house where the drinking occurred.

Gary and Julie DeVercelly have filed a wrongful death suit naming the university, Phi Kappa Tau fraternity and four members of the Rider chapter of PKT, which was closed by school officials after DeVercelly's death. The suit seeks an unspecified amount of money for DeVercelly's death.

Reached yesterday, the DeVercellys said they had tried to settle with the university and force changes to student policies, but school officials resisted. The couple said the Christmas season has been particularly hard without their son.

"Since Gary's death, we have given Rider every opportunity to do right by our family and make the changes necessary to protect other students," the couple said in a statement. "Unfortunately, Rider has refused to resolve this matter without litigation. Our lawsuit identifies specifically how Rider University caused the death of our son as well as aided and abetted the fraternity and others in doing the same. Our lawsuit also seeks to hold Rider, and all others involved, financially responsible for their reckless conduct that caused Gary's death and forever harmed our family."

In response to the suit, Rider President Mordechai Rozanski also referenced an attempted settlement, but said the university was willing to continue talks.

"The university, the DeVercelly family and their legal representatives met in mid-December to find an appropriate means of settling the family's claim against Rider without the need for litigation," Rozanski said. "That effort was not successful, and despite the university's willingness to continue the dialogue, the family chose today to file a civil action against Rider and certain individuals. We disagree with the allegations in that filing and will contest them vigorously."

The national office of Phi Kappa Tau has been largely silent since DeVercelly's death, initially denying the incident was the result of hazing. Reached by e-mail yesterday, Steve Hartman, chief executive officer of the national office in Ohio, would not comment on the lawsuit, saying he had not yet seen it.

"During this holiday season, we continue to be mindful of the De Vercelly family and what they are experiencing," he said in the e-mail.

The lawsuit alleges that the university placed live-in fraternity houses under far less scrutiny than other campus residence halls. Student house managers hired to oversee the fraternity houses were nominated by the fraternity membership and faced less scrutiny than their counterparts in the non-Greek residence halls, the suit alleges.

In addition to the university and the national fraternity, the suit also names four students, all members of the local PKT chapter.

Three of the four, House Manager Adriano DiDonato, President Mike Torney and Pledge Master Dominic Olsen were also named in a criminal indictment last summer, while the fourth, Vincent Calogero, was not charged.

The suit alleges that as part of the initiation event, DeVercelly, 18, drank Absolut vodka during the fraternity's "Big/Little" night.

After finishing more than two thirds of the bottle, authorities have said DeVercelly passed out. An hour later, fraternity members dialed 911 and DeVercelly was rushed to an area hospital. He never regained consciousness and died March 30. His blood alcohol level was 0.426, more than five times the legal limit to drive.

Washington, D.C., attorney Douglas Fierberg, who represents the DeVercellys, said it was the four fraternity members' inclusion or approval of the ritual and their failure to get DeVercelly the help he needed when he was dying that caused their inclusion in the suit.

"I think it's fair to say they directly or through the actions of their fraternity brothers put Gary in a position of peril where he needed their help to stay alive," he said. "They were in a position to get Gary the help he needed to live and he would have lived if they had sought that help."

Law enforcement officials established that fraternity members waited an hour after DeVercelly first became ill before summoning paramedics.

None of the four could be reached for comment yesterday.

Fierberg struck an ominous tone yesterday when he alluded to the university's culpability in the suit.

"Rider University (officials) know that this litigation will expose serious additional wrongdoing on behalf of the university and its personnel, which we are currently prevented from disclosing," he said. "When that happens, and it will, Rider will have many new questions to answer."

University officials would not comment on specific allegations contained in the suit.

As a result of his death, a grand jury indicted two university administrators as well as the three students who were members of the PKT fraternity.

Charges against the two administrators were dropped in August and both DiDonato and Olsen qualified for pre-trial intervention, which allowed the charges to be dropped after a period of community service. Torney refused PTI and could still face trial.

In the wake of DeVercelly's death, the Phi Kappa Tau chapter was closed and the university instituted several reforms, including the formation of a new university-employed housing director position to live in each of the campus's fraternity houses.

"We are confident with the continuing implementation of the initiatives that we will make Rider a safer, healthier and stronger learning community for our students," said Debbie Stasolla, who was vice chairwoman of a presidential panel that looked at the university's alcohol and fraternity life policies after DeVercelly's death.

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