

In sworn answers to interrogatories in this case, some of the Defendants admitted that there was hazing as defined by §37.151 of the **Texas Education Code** which took place during the weekend in question. *See* Exhibit 25, each of the following Defendant's Answers to Karen Chambers McAllister's First Set of Interrogatories, Interrogatory No. 8

- Neil Bradford: As the Pledge Educator, he observed hazing of the pledges including the forcing of pledges to conduct calisthenics and the requiring of pledges to get into a tank of water;
- Adam Dorety: A pledge at the time, Mr. Dorety stated that Pledges were required to engage in calisthenics on Saturday and that most of the actives attending participated. Further, on Saturday, we were not allowed to sleep.
- Kelsey Henton: An active member of the fraternity at the time of this Informal Initiation, admits that he observed Lloyd Lim (Vice President of the fraternity) and Zachary Mullins doing some yelling.
- Kirby Hergert: An active member of the fraternity at the time of the Informal Initiation, admits There was some yelling and physical activities, but claims he cannot recall who engaged in those activities.
- Jose Lim: A pledge at the time, Mr. Lim admits that the pledges were directed to do strenuous exercising such as running, push ups, sit ups, etc. Also, the pledges had hardly any sleep that weekend. "All the brothers that were there made us do this." *See* his answer to Interrogatory No. 6
- Gerald Lim: A pledge at the time, Mr. Lim admits in his answer to Interrogatory No. 6 that was hazing of the entire pledge class including:
- a. throwing hard, frozen eggs at the pledges by Clifford Martin;
 - b. dragging the pledges around by their paddles by Mark Mathews and John Fowler;
 - c. sleep deprivation; and
 - d. "Rack Up Lines" by John Fowler.

During the initiation ceremonies, all of the pledges engaged in numerous hazing activities that caused severe sleep deprivation and fatigue in the pledges and even in the active members of the fraternity. Included in the group of pledges who engaged in these activities was the pledge class president, Zackary Jameson. Mr. Jameson engaged in the pulling of the weeds, the calisthenic exercises, the running of the pledges, lunges with cinder blocks and the like. *See* Exhibit 7, Jose Lim's deposition Page 80, 86-87. In addition, the pledges, including Zackary Jameson had ice cold

water thrown on them *See Exhibit 7, Jose Lim deposition, page 109.* For breakfast, the pledges, including Zackary Jameson ate breakfast burritos made of cat food, dog food and other unknown substances and warm buttermilk that induced vomiting. The pledges were lined up so that each pledge would vomit on the pledge sitting to his left. Zackary Jameson took part in the vomiting of his own breakfast. *See Exhibit 7, Jose Lim's deposition Paes 118-119.* The pledges then drank water from a non-sanitary source that tasted worse than the public water supply in Lubbock. Exhibit 7, deposition of Jose Lim Pages 119-122.

During the initiation, the actives kidnapped pledge Chris Vance. In return, the pledges attempted to kidnap an officer of the fraternity, Michael Calvillo. Michael Calvillo avoided being kidnapped by striking the pledges about their bodies with a Mag light. *See Exhibit 7, Jose Lim's deposition Pages 123-128.* The actives also threw hard, frozen eggs at the pledges as well as prickly stickers and had paddles slammed into their faces while they were blindfolded. *See Exhibit 7, Jose Lim's deposition Pages 130-132.* Mr. Jameson was clearly involved in the calisthenics and in being hit by frozen eggs. *See Exhibit 7, Jose Lim's deposition Page 133.* All of the pledges, including Zackary Jameson, after being exhausted by lack of sleep, lack of food, and from doing numerous physical exercises also went swimming in very cold water. *See Exhibit 7, Jose Lim's deposition Pages 133-134.* After lunch, all of the pledges, including Zackary Jameson, then engaged in an activity where they ran in circles while the Pledge Educator, Neil Bradford kicked a soccer ball at the pledges who were "racked up" in a line. The pledges then engaged in another round of calisthenics. *See Exhibit 7, Jose Lim's deposition Page 137.* All of the pledges engaged in these activities. *See Exhibit 7, Jose Lim's deposition Page 137-138.* Sometime thereafter, each of the pledges then ate habanero jalepenos washed down with the unclean, nasty water. Jose Lim had to

eat two peppers because Mr. Lim was taking up the slack for pledge Adam Dorety who independently made the decision not to participate in the event. All of the other pledges continued to engage in these hazing activities including Zackary Jameson. *See Exhibit 7, Jose Lim's deposition Pages 140-141.*

For dinner, the pledges gathered together to eat spicy hot spaghetti that made each pledge vomit once again on the pledge to his left. All of the pledges, including Zackary Jameson puked on the pledge to his left. *See Exhibit 7, Jose Lim's deposition Page 151.* After eating the spicy hot spaghetti, the pledges then encouraged each other to eat more habanero jalepenos and to drink more of the unsanitary water. *See Exhibit 7, Jose Lim's deposition Page 152.* At dinner, some pledge besides Jose Lim took up the slack for Adam Dorety who voluntarily abstained from eating the "dinner." *See Exhibit 7, Jose Lim's deposition Pages 152-153.* Apparently, for dessert, the pledges then ate smooshed pea baby food. *See Exhibit 7, Jose Lim's deposition Page 153.*

The pledges are then led back towards the caboose in groups of 3 or 4 where the blindfolded pledges are once again stripped naked. Each of these groups of pledges were then put into a metal trough filled with ice, water, urine and feces. *See Exhibit 7, Jose Lim's deposition Pages 155-157.* This fraternity has a practice where the actives defecate and urinate in the metal trough to be used during the fraternity's initiation. The Fall 2001 ceremony was no exception. At the very least, active Ryan Q. Ball urinated and defecated into this trough in the Fall, 2001 ceremony. *See Thomas Baen's deposition Page 178-180.*

The exercises during the initiation ceremonies were intense to the point that the pledges complained of pain and cramping. *See*, Exhibit 7, Jose Lim deposition Page 130. Pledge Jose “Frank” Lim testified that he was so tired that he felt disoriented, he was tired, his legs hurt, his muscles were sore and aching. He developed a headache. He was dizzy and shaky. He had difficulty concentrating and thinking clearly. *See*, Exhibit 7, Jose Lim deposition pages 141-143.