

**CAUSE NO. 2003-52279**

DAVID MULLINS, INDIVIDUALLY,	§	IN THE DISTRICT COURT
AND KAREN CHAMBERS MCALLISTER,	§	
INDIVIDUALLY, AND BOTH AS HEIRS TO	§	
AND REPRESENTATIVES OF THE	§	
ESTATE OF ZACHARY MULLINS,	§	
DECEASED	§	
<i>Plaintiffs</i>	§	
V.	§	
DELTA SIGMA PHI FRATERNITY, ZETA ZETA	§	
CHAPTER; THE DELTA SIGMA PHI FRATERNITY;	§	
THOMAS BAEN; LLOYD LIM;	§	
GREG THOMPSON; NEIL BRADFORD;	§	
MICHAEL CALVILLO; MARK MATHEWS;	§	
MATTHEW CADWALLADER; JOHN FOWLER;	§	
MATTHEW THOMPSON; BLAKE LEBLANC;	§	
RYAN HLAVIN; KYLE MEDFORD;	§	
KELSEY HENTON; EVAN CUDD;	§	OF LUBBOCK COUNTY, TEXAS
GRANT MCDERMED; CLIFFORD MARTIN;	§	
THOMAS GARDNER;	§	
KIRBY HERGERT; JOE PENLAND;	§	
MICHAEL ROWE; JUSTIN ANTU;	§	
MICHAEL CABRERA; SIDNEY C. COVINGTON, III;	§	
ADAM DORETY; JONATHAN EARLY;	§	
JONATHON FLOOKES; BRIAN FORNASAR;	§	
COLBY GANN; KEITH GAYOWSKI;	§	
JOSE FRANCISCO LIM; GERALD LIM;	§	
RYAN STRIPLING; CHRISTOPHER VANCE;	§	
SAMMY COVINGTON; RYAN Q. BALL;	§	
BRIAN RUSSEL BELL; LANCE MICHAEL SMITH;	§	
TIMOTHY ALAN KUEHN; CRAIG ADAM BOKLAGE;	§	
MICHAEL BRANNAN; NATHAN FURMAN DAVIS;	§	
AARON T. GLASCOCK; JONATHAN HEARD;	§	
BRYAN JOSEPH HOGAN; CHIP ELLIS JOHNSON;	§	
JASON JOHN MRAZEK;	§	
TRAVIS WILLIAM NEVILLE; JOSHUA DANIEL	§	
PETERS; MICHAEL BRAD SWEARINGEN	§	
all Individually and As MEMBERS OF THE	§	
ZETA ZETA CHAPTER OF DELTA SIGMA PHI	§	
FRATERNITY;	§	
<i>Defendants</i>	§	237 <sup>TH</sup> JUDICIAL DISTRICT

**TIMELINE**

The following Timeline of events is taken from pleadings filed in this lawsuit, and is based upon actual deposition testimony of the Defendants. This Timeline, based primarily on the sworn testimony of Gerald Lim (a pledge), provides an extensive overview of some of the activities of the Zeta Zeta Chapter, Delta Sigma Phi Fraternity's "***Hell Week***" a/k/a Informal Initiation from October 18, 2001 through October 21, 2001 during which Zachary Mullins was killed.

### **Thursday, October 18, 2001**

7:30 P.M. The pledges began the initiation weekend on Thursday night, October 18, 2001. The pledge class presented themselves at the Fraternity Lodge at approximately 7:30 p.m. that night to engage in a "scavenger hunt" wherein the pledges were given a list of items to obtain and bring back to the Lodge. *See*, Exhibit 6, deposition of Gerald Lim, page 13, 16-17. This scavenger hunt was mandatory for the entire pledge class. *See*, Exhibit 6, deposition of Gerald Lim, page 14. Among other things, the pledges obtained approximately 50 items including tampons, porno magazines, homosexual publications, "dildos", t-shirts, bed sheets, ropes, condoms, boxer shorts, a tennis ball can full of pubic hair, and cat food. *See*, Exhibit 6, deposition of Gerald Lim, page 18-19, 88; and Exhibit 5, deposition of Jose "Frank" Lim, page 46-47.

### **Friday, October 19, 2001**

3:00 A.M. It was 3:00 a.m. by the time the pledge class finished the scavenger hunt. *See*, Exhibit 6, deposition of Gerald Lim page, 21-22.

4:00 A.M. Gerald Lim testified that he did not get to sleep until until 4:00 a.m. or 5:00 a.m. *See*, Exhibit 6, deposition of Gerald Lim, page 10.

7:00 P.M. The pledge class then met at the Lodge at 7:00 p.m. on Friday, October 19, 2001. Exhibit 6, deposition of Gerald Lim, page 26. The pledge class were asked to wear only jeans, a t-shirt and shoes, and were told NOT to bring any food or drink, jacket, watches or cell phones. *See*, Exhibit 6, deposition of Gerald Lim, page 26-30. The pledges then were given a "fake test", packed their stuff, had their "21 digits" painted green with spray paint by the active members, and then blindfolded with tampons. *See*, Exhibit 6, deposition of Gerald Lim, pages 34-37.

8:30 P.M. The pledges were blindfolded during the road trip to Coleman, Texas, some 3 and one half hours away from Lubbock, leaving the Lodge between 8-9 p.m.. *See*, Exhibit 6, deposition of Gerald Lim, page 40.

### **Saturday, October 20, 2001**

12:00 A.M. The pledges arrived in Coleman, Texas around midnight on Friday, unblindfolded and requested to by the actives to clear an area of tall weeds with their bare hands. *See*, Exhibit 6, deposition of Gerald Lim, page 41-43.

12:45 A.M. The pledges then unpacked the cars at 12:45 a.m. and then formed a line and followed an active, approximately 1/8 mile out to "the middle of nowhere" in "pitch blackness." *See*, Exhibit 6, deposition of Gerald Lim, page 44-46.

1:00 A.M. At 1:00 a.m. the pledges then subjected themselves to a "rack up line" at the direction of an active, and were told to do calisthenic exercises such as jogging, and sitting in extremely uncomfortable and cramp-inducing positions for extended periods of time. The goal of of these exercises was to make the pledges tired and fatigued. *See*, Exhibit 6, deposition of Gerald Lim, pages 50-55.

1:30 A.M. At 1:30 a.m., the pledges marched back to the caboose that was on the Coleman property, re-blindfolded with tampons, and then marched back out into another adjacent field, in order to take part in Ritual routines, such as "the Trust." *See*, Exhibit 6, deposition of Gerald Lim, pages 70-72. "The trust" is a ritual routine "where you hang off the edge of a cliff and they ask you to let yourself go backwards." *See*, Exhibit 6, deposition of Gerald Lim, page 72-73. That lasted until 2:30 a.m.

- 2:30 A.M. Next, the pledges did a Ritual with their paddles while blindfolded wherein they searched for their paddles in waist-high weeds while someone hits the paddle on the ground. See, Exhibit 6, deposition of Gerald Lim, pages 74-75. That lasted for an hour.
- 3:30 A.M. At 3:30 a.m. the pledges went back to the camp area and slept on the ground in their sleeping bags for 15 minutes. See, Exhibit 6, deposition of Gerald Lim, pages 82-84. They were then awakened, and taken on a jog while the actives hollared and screamed at them for 10 minutes. See, Exhibit 6, deposition of Gerald Lim, page 86-87.
- 3:45 A.M. At approximately 3:45 A.M., the Pledges were awakened. See, Exhibit 6, deposition of Gerald Lim, pages 82-84.
- 3:55 A.M. Zackary Jameson took part in all of these activities as the pledge class president. See, Exhibit 6, deposition of Gerald Lim, page 86. The pledges then took time out for breakfast to eat bean stew with cat food, "something gross" and drank buttermilk. See, Exhibit 6, deposition of Gerald Lim, page 87. These "breakfast burritos" were so gross it caused the pledges vomit on the person [a pledge] sitting to their left. See, Exhibit 6, deposition of Gerald Lim, page 90-91. It took an hour to eat the cat food.
- 7:00 A.M. At 7:00 a.m. on Saturday, the pledges were asked to fill in holes in the property with sand and rocks, which took 1 and ½ hours. See, Exhibit 6, deposition of Gerald Lim, page 93.
- 8:30 A.M. The pledges then went on a hike to a dried-up lake bed, and did more calisthenics such as running around the lake with their paddles while wearing boxer shorts and a t-shirt. See, Exhibit 6, deposition of Gerald Lim page 95-96. The calisthenics also included cramp-inducing uncomfortable physical activities, after which the pledges ran around while the actives threw rocks at them, hitting their heads, necks and legs. See, Exhibit 6, deposition of Gerald Lim, pages 97-99. All of the pledges did these activities except Adam Dorety, who chose to sit out of these activities in order to get out of what the rest of the pledges were doing. See, Exhibit 6, deposition of Gerald Lim, page 100-101.
- 10:00 A.M. From 10:00 a.m. to noon the pledges went swimming in another lake on the property and hiking around the property. See, Exhibit 6, deposition of Gerald Lim, pages 103-104.
- 12:00 P.M. A lunch of peanut butter, raw potatoes and sardines was then given to the pledges to eat. See Exhibit 6, deposition of Gerald Lim, pages 13-106.
- 12:20 P.M. The pledges then went hiking again and still did not get any sleep. See Exhibit 6, deposition of Gerald Lim, page 106. At this time, the pledges were only wearing their underwear, a t-shirt, shoes and socks. See Exhibit 6, deposition of Gerald Lim, page 108. This hiking lasted until 2:00 P.M. See Exhibit 6, deposition of Gerald Lim, page 108.
- 12:30 P.M. One of the pledges, while on this hike to a small little lake, was bit by a snake. See Exhibit 6, deposition of Gerald Lim page 107.
- 2:00 P.M. The pledges then began to play dodge ball or something like it in which the pledges were lined up and the actives were chunking the dodge ball at the pledges, and the loser got swatted with their own paddle. See Exhibit 6, deposition of Gerald Lim, pages 108-109.

- 2:00 P.M. The pledges also began to mud wrestle for approximately 45 minutes while the actives sprayed them with a water hose. See Exhibit 6, deposition of Gerald Lim, pages 112-113. During the afternoon, the pledges were too busy to sleep. See Exhibit 6, deposition of Gerald Lim, pages 114-115.
- 2:45 P.M. Gerald Lim was unsure of the next set of activities. See Exhibit 6, deposition of Gerald Lim, page 114.
- 7:00 P.M. Around 7:00 p.m. on Saturday until about 8:00 P.M., the pledges subjected themselves to eating a “dinner of spicy hot spaghetti”. After two bites of the spicy, hot spaghetti, the pledges would be throwing up on the person (a pledge) to their left while the actives screamed at the pledges. It was so hot, so spicy that pledges, including Zackary Jameson, would just puke. See Exhibit 6, deposition of Gerald Lim, pages 115-119. The spaghetti was so spicy it caused physical pain in the pledges’ mouths, stomachs and esophagus. See Exhibit 6, deposition of Gerald Lim, page 119.
- 8:00 P.M. Around 8:00 P.M., the pledges started the Ritual. The pledges were split into three or four groups and are told to strip down naked again. The pledges, in groups of 3, then got into a horse trough that was filled with nasty smelling water that was contained ice, water, and human waste. See Exhibit 6, deposition of Gerald Lim, pages 119-123. The pledges then conducted the National’s Ritual of “Sailing the Nile” as they squatted naked in the tub of feces, urine and ice while the actives were hitting the pledges with tree branches. See Exhibit 6, deposition of Gerald Lim, pages 121-122. This fraternity has a tradition of having actives urinate and defecate in the metal trough that the pledges will eventually have to use for this initiation Ritual. See Exhibit 8 deposition of John Fowler, page 119-121 and Exhibit 11 deposition of Zeta Zeta Chapter President Thomas Baen, page 177. According to Thomas Baen, Ryan Ball defecated in the metal trough that was used during the initiation ceremonies in the Fall 2001 Informal Initiation ceremony of this fraternity. See Exhibit 11, deposition of Thomas Baen, page 178. During these events, the pledges complained to each other to encourage each other. See Exhibit 6, deposition of Gerald Lim, page 124. After the pledges got out of the nasty water, they then stood outside naked in the freezing outdoors. See Exhibit 6, deposition of Gerald Lim, page 124. The pledges were then led to a field, completely naked and blindfolded, where they sat and waited for each pledge to go through this Ritual. See Exhibit 6, deposition of Gerald Lim, pages 124-127. Each pledge was blindfolded in the tub of stinky ice water for approximately 10 minutes while being brushed and hit on and off by branches. This series of events lasted until about 9:30 P.M. See Exhibit 6, deposition of Gerald Lim, page 128.
- 9:30 P.M. Around 9:30 P.M., the pledges sat in a field Indian style in their underwear for about 30 minutes. See Exhibit 6, deposition of Gerald Lim, pages 128-129.
- 10:00 P.M. At around 10:00 P.M., the pledges went back to the caboose and the actives then put sheets on the pledges and blindfolded the pledges again, and led them back out to the fields to hold their paddle and to sit Indian style for about 20 minutes. See Exhibit 6, deposition of Gerald Lim, pages 129-131.
- 10:20 P.M. The pledges continued to sit in the field wearing only a sheet, no underwear, while holding their paddles straight out in front of them with outstretched arms

while actives patrolled around the pledges. The pledges held their paddles in front of them with their arms stretched all the way out without resting the paddle on the ground. The pledges were extremely exhausted, yet did not sleep. See Exhibit 6, deposition of Gerald Lim, pages 131-132. This activity continued until about midnight. See Exhibit 6, deposition of Gerald Lim, page 133.

**Sunday, October 21, 2001**

- 12:00 A.M. The pledges did some additional Ritual activities and then just sat in the field Indian style and blindfolded until the sun came up, without sleeping at all. If the pledges such as Gerald Lim fell asleep, the pledges would be awakened by having the paddle slammed into his face or have it thrown across the field and the pledge would then have to search for the paddle while blindfolded. See Exhibit 6, deposition of Gerald Lim, pages 134-138. During this time, pledge Justin Antu froze up because he was so cold he could not move. This earned him the nickname of "Tin Man". See Exhibit 6, deposition of Gerald Lim, page 136. In addition, during this time, the pledges were being drug around by their paddle and tried to hold onto the paddle so as not to have the paddle thrown into the field. See Exhibit 6, deposition of Gerald Lim, page 138. Despite these activities, the pledges did not speak up and tell the actives to stop. See Exhibit 6, deposition of Gerald Lim, page 140. The pledges such as Gerald Lim consented to this hazing even though they did not have their feet or hands bound or tied and could have removed their blindfolds of their own free will. See Exhibit 6, deposition of Gerald Lim, page 141
- Sun Rise At sun up, the pledges were led into a final room and then struck hard, or "branded" with a potato in the chest as the Ritual was being read to the pledge. See Exhibit 6, deposition of Gerald Lim, pages 141-142. Being struck in the chest hard with a potato hurt the pledges. See Exhibit 6, deposition of Gerald Lim, page 142.
- 8:00 A.M. After an hour of sitting around, the pledges were told to do more calisthenics. See Exhibit 6, deposition of Gerald Lim, page 143. However, the actives were only joking and began spraying champagne into the faces of the pledges. See Exhibit 6, deposition of Gerald Lim, pages 142-143. After that, the pledges were in the fraternity. See Exhibit 6, deposition of Gerald Lim, page 143.
- 8:30 A.M. After the champagne, the pledges packed up and then hung out until about 11:00 A.M., but still did not eat nor sleep. See Exhibit 6, deposition of Gerald Lim, page 143-146.
- 11:00 A.M. Some of the pledges left to go back to Lubbock. See Exhibit 6, deposition of Gerald Lim, pages 145-146. By this time, the pledges were exhausted because they had not slept in 3 days. See Exhibit 6, deposition of Gerald Lim, page 147. The exhaustion and sleep deprivation felt by these pledges was so severe that some of them were disoriented, dizzy, fatigued, had body aches, were unable to concentrate, had difficulty remembering things, became disoriented and were unable to think clearly. The pledges were extremely tired even to the point of hallucinating, further induced by the placement of anchovy paste on the pledges' lips as part of the tradition of this fraternity. See Exhibit 6, deposition of Gerald Lim, pages 150-151. Despite this extensive involvement in and observation of hazing, the pledges did not report the hazing to the university or to any law enforcement authorities or to the IFC even though he knew the hazing was illegal. See Exhibit 6, deposition of Gerald Lim, pages 153-157.