



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

JOHN DOE,

Plaintiff,

v.

DELAWARE STATE UNIVERSITY,
DELAWARE STATE UNIVERSITY POLICE
DEPARTMENT, and DELAWARE STATE
UNIVERSITY STUDENT GOVERNMENT
ASSOCIATION,

Defendants.

Civil Action No.

Civil Action Complaint and Jury Demand

COMPLAINT

Plaintiff, John Doe, by and through his attorneys, Grant & Eisenhofer P.A., hereby files the within Complaint against Delaware State University (“DSU”), Delaware State University Police Department (“DSUPD”), Delaware State University Student Government Association (“DSU SGA”) (collectively referred to as the “Defendants”) arising from their negligent, grossly negligent, careless, reckless, intentional, willful, wanton, and outrageous conduct and, in accordance with the Rules of Civil Procedure for the Superior Court of the State of Delaware, avers as follows:

INTRODUCTION

1. This action arises out of Defendants’ negligent, careless, and reckless conduct, which caused life threatening injuries to Plaintiff on or about September 3, 2022, while Plaintiff was lawfully on Campus.¹ Before September 3, 2022, there had been countless acts of violence

¹ For the purposes of this complaint, “Campus” shall mean the property located at 1200 N. DuPont Highway, Dover, Delaware.

on Campus against DSU students and visitors, many of which involved DSUPD. Despite the clear pattern and history of violent activity on and around its Campus, Defendants made Campus extremely dangerous due to its profound safety and security failures.

2. These failures culminated into the events on the night of September 3, 2022. On that date, Defendants' negligent, careless and reckless conduct permitted at least two armed unidentified individuals to enter Campus and open fire on the DSU students and members of the public at an open invitation DSU SGA gathering. As a result, multiple DSU students and their guests, including Plaintiff were shot, leading to severe physical and psychological injuries.

3. As detailed herein, the September 3, 2022, criminal activity was foreseeable to Defendants. Despite knowing about the storied history of violent criminal conduct on Campus, Defendants failed to do anything to secure Campus from criminal activity, prevent criminal activity from occurring, discover criminal activity before and/or as it was occurring, adequately respond to said activity, and adequately warn Campus residents and visitors about the potential for criminal activity to enable them to avoid the harm or otherwise protect themselves from it. As a direct and foreseeable result of Defendants' acts or omissions, Plaintiff, a business invitee on Campus, was shot twice and sustained life-altering, permanent disfigurement, debilitating injuries, and emotional damages.

PARTIES

4. Plaintiff is, and at all relevant times was, an adult resident of the State of Delaware.

5. Plaintiff brings this claim under a pseudonym, for the reasons set forth in Plaintiff's Motion For Leave To File And Proceed Using Pseudonyms, attached as Exhibit A and incorporated by reference herein. Plaintiff's Motion will be filed immediately after the court accepts Plaintiff's Complaint and assigns it a docket number.

6. Plaintiff was only 19 years-old when Plaintiff was shot twice on Campus.

7. Defendant DSU is, and at all relevant times was, a University with its principal Campus and business address located at 1200 N. DuPont Highway, Dover, Delaware.

8. At all relevant times, DSU owned, occupied, possessed, operated, managed, and/or leased the real property located at 1200 N. DuPont Highway, Dover, Delaware (hereinafter referred to as “the Premises” or “Campus”), where Plaintiff was shot and caused to suffer from severe physical and psychological injuries.

9. As the owner, occupier, possessor, operator, manager and/or leaser of the Premises, DSU owed a non-delegable duty of care to all students, residents, visitors, and invitees, including Plaintiff, to ensure the Premises was safe from foreseeable criminal conduct that could unreasonably endanger the health and safety of persons lawfully on Campus and to take reasonable measures to protect those persons from said criminal activity.

10. Defendant Delaware State University Police Department is, and at all relevant times was, a police department with its principal place of business and business address located on Campus at 1200 N. DuPont Highway, Dover, Delaware.

11. DSUPD holds itself out to be a “24-hour, 7 day a week, fully operational law enforcement agency.”² It claims to be the “primary law enforcement agency throughout [DSU]...responsible for the safety and security of students, faculty, staff and visitors.”³ It considers its “primary responsibility” to be to “provide a safe environment for [DSU] students, faculty, staff and all who work and visit [DSU].”⁴

² <https://www.desu.edu/about/police-department/about-police-department> (last accessed September 11, 2023).

³ *Id.*

⁴ <https://www.desu.edu/about/police-department> (last accessed September 11, 2023).

12. DSUPD consists of armed police officers as well as unarmed security officers.⁵ Police officers have arrest powers; security offers do not.⁶

13. DSUPD also claims to “work closely with federal, state, and local enforcement agencies to gather intelligence and resources utilized in proactive policing” at DSU and to have “a vibrant partnership with various student groups, our staff, and faculty, as well as with Dover Police, Delaware State Police, and our other law enforcement partners.”⁷

14. It advertises itself as having “a progressive, highly visible patrol force” and “a proactive Crime Prevention program, designed to educate and inform all university personnel on the ‘best practices’ to take to avoid becoming a victim.”⁸

15. As the “primary” security force for the Premises, DSUPD owed a duty of care to all students, residents, and visitors, including Plaintiff, to ensure the Premises was safe from foreseeable criminal conduct that could unreasonably endanger the health and safety of persons lawfully on Campus and to take reasonable measure to protect those persons from said criminal activity.

16. Defendant Delaware State University Student Government Association is, and at all relevant times was, a student organization governed by DSU’s Office of Student Leadership and Activities with a principal address of 1200 N. DuPont Highway, Dover, Delaware.

⁵ <https://www.desu.edu/about/police-department/about-police-department> (last accessed September 11, 2023).

⁶ *Id.*

⁷ <https://www.desu.edu/about/police-department> (last accessed September 11, 2023).

⁸ *Id.*

17. DSUSGA is “the central agency by which the students promote the interest and welfare of the [DSU] student population” and is governed by the Office of Student Leadership and Activities at DSU.⁹

18. At all relevant times, DSU SGA operated as an agent of, as an apparent agent of, and/or under the color of authority of DSU, with DSU’s full knowledge and consent.

19. At all relevant times, DSU SGA was permitted to and did throw outdoor parties on Campus in DSU’s name, with DSU’s full knowledge and consent.

20. Upon information and belief, DSU SGA planned, sponsored and advertised the Court Vibes student event on the Premises on the night of September 2, 2022, and into the early morning hours of September 3, 2022, where the individuals who entered the Campus shot several DSU students and visitors, including Plaintiff.

JURISDICTION

21. This Court has personal and subject matter jurisdiction over all Defendants because: (1) this action involves property located in this State; (2) this action involves an incident that occurred in this State; (3) the Defendants purposefully availed themselves of the laws of this State; and/or (3) the tortious conduct giving rise to this action occurred in this State.

FACTUAL AVERMENTS

DSU’s History of Violent Crime on its Campus

22. September 3, 2022 was not the first time DSU students and visitors were shot and severely injured on Campus. Prior to September 3, 2022, DSU had an extensive history of gun-violence and other violent crime occurring on its Campus, in its residence halls, and involving its students and

⁹ <https://www.desu.edu/student-life/student-organizations/student-government-association> (last accessed September 11, 2023).

23. Each incident of the following incidents was known to Defendants prior to September 3, 2022:

- a. On or about September 21, 2007, two freshman DSU students were shot near Memorial Hall, which is located on Campus, after a fight broke out between several students in the cafeteria. One of those students suffered fatal injuries. In response to the incident, Allen Sessoms, then University President, described the shooters merely as “kids who did very, very stupid things.”¹⁰ Upon information and belief, Defendants took no action after this shooting to enhance its security or secure the safety of its students, their guests, or other invitees on Campus.
- b. On or about November 3, 2014, another DSU student was shot and sustained injuries at Living and Learning Commons, which is a DSU operated residence hall located approximately a half-mile north of Campus in what was reported to be related to a robbery. Upon information and belief, Defendants took no action after this shooting to enhance its security or secure the safety of its students, their guests, or other invitees on Campus.
- c. On or about April 18, 2015, three individuals were shot on Campus during Field Day, a large University-sanctioned student Greek cookout event. Upon information and belief, Defendants took no action after this shooting to enhance its security or secure the safety of its students, their guests, or other invitees on Campus.
- d. *That same day*, a second shooting occurred at the University Courtyard apartments, which are located adjacent to Campus and are operated by DSU. Upon information and

¹⁰ <https://www.nytimes.com/2007/09/21/us/21cnd-dover.html> (last accessed September 11, 2023)

belief, Defendants took no action after this shooting to enhance its security or secure the safety of its students, their guests, or other invitees on Campus.

- e. In September 2020, yet another DSU student was shot, sustaining fatal injuries, at an off-Campus party in Dover, DE. The party occurred in Shutte Park, located approximately 3 miles from Campus, and involved nearly 300 – 500 partygoers, the vast majority of which were DSU students. Upon information and belief, Defendants took no action after this shooting to enhance its security or secure the safety of its students, their guests, or other invitees on Campus.

DSU's Well-Known Party Scene

24. At all relevant times, DSU is an “open-access” Campus; there are several unmanned, ungated, and unguarded access points whereby individuals who are not DSU students or faculty are allowed to enter Campus on foot.

25. For years leading up to the September 3, 2022 shooting, the DSU SGA and other DSU student organizations and DSU students routinely held parties on Campus. These parties were regularly attended by hundreds of DSU students and their friends.

26. Parties took place in residence halls, on DSU sport’s fields, and in and around the on-Campus University Courtyard apartments, known as the “Yards,” and the University Village apartments, known as the “Ville.”

27. The DSU SGA advertised its parties on its public Instagram page through the Instagram handle DSU_CAB for the DSU-run Campus Activities Board.

28. It routinely held, and still holds, weekend long events, including parties where hundreds of teenagers—both students and nonstudents—gathered on Campus to drink, smoke marijuana, and congregate together in the open.

29. These parties often did not require ticket for entry and did not have any restrictions on who was permitted to attend.

30. For years, members of the public routinely used these access points to attend DSU parties and gatherings.

31. The parties often ran well beyond the event schedule times, running late into the night.

32. Additionally, during these parties, DSU students and their guests routinely and regularly drink alcohol and smoked marijuana in the fields and courtyards of Campus.

33. Although DSU purports to be a dry and smoke-free Campus¹¹, DSU and DSUPD did not take any action to regulate, supervise, or shut down these parties. Because these parties were organized and advertised by the DSU SGA and DSU Campus Activity Board, DSU and DSUPD knew or should have known about the parties on its Campus. In fact, Defendants encouraged students and their guests to attend the same.

34. Defendants were aware that non-student visitors were coming onto the premises to attend on-Campus events, including DSU SGA parties.

35. Despite knowing that non-student individuals were routinely accessing Campus to attend these parties and that individuals had been shot and killed on prior occasions, Defendants did not take any measures to restrict public access or conduct any security checks of the visitors attending Campus parties. Defendants did not utilize any reasonable and available methods of access control.

¹¹ <https://www.desu.edu/student-life/housing-dining/apply-housing/residential-policies-procedures#:~:text=of%20the%20room.-,Alcohol,under%2021%20years%20of%20age> (last accessed August 8, 2023)

36. Defendants lack of police presence at these outdoor events was well-known throughout Campus and beyond prior to September 2, 2022.

37. Despite their history of violence at these events and active social media presence, Defendants never posted warnings about the potential for violence at these events.

38. Defendants did not employ reasonable and available methods of natural surveillance either.

Plaintiff's Foreseeable, But Preventable Shooting

39. On September 2, 2022 and in the early morning hours of September 3, 2022, Plaintiff attended a DSU SGA-sponsored party called "Battle of the Yard," which, at the time Plaintiff entered Campus, was taking place on DSU's outdoor basketball courts ("the Courts"), known as the MLK Courts, in front of the University Wellness Center.

40. The Courts were located just off DSU's main entrance, close to the N. Dupont Highway.

41. There were no tickets required for attendance at the events and no barriers erected to control access.

42. The September 2 event was well-known to DSU employees and the DSUPD police force prior to its occurrence; like previous SGA parties, its time, date, and location were publicly advertised on the DSU-run Campus Activities Board Instagram page.

43. At the time of the event, hundreds of the individuals had viewed and "liked" the related Instagram post advertising it.

44. Defendants knew or should have known, by virtue of the amount of "likes" and interaction with the post, as well as the historical attendance at these parties, that there were likely to be hundreds of attendees, including non-students.

45. Defendants should have used and implemented reasonable and readily available methods of access control, natural surveillance, lighting, and security. Instead, Defendants did not take any action to secure Campus from foreseeable danger.

46. Plaintiff, who is not a student at DSU, walked onto Campus to attend the Battle of the Yard party with student and other non-student friends via one of DSU's known access entrances. Plaintiff did not encounter any security when Plaintiff walked onto Campus.

47. The original Battle of the Yard event was supposed to end at 10:00 p.m.

48. When Plaintiff arrived at the basketball courts at approximately 9:00 p.m., several hundred DSU students and visitors were already in attendance. The partygoers, many of whom were minors and many of whom were under the age of 21, were drinking alcohol and smoking marijuana freely on and around the courts while a DJ played music so loud it reverberated around the Campus. The alcohol and marijuana usage was open and obvious.

49. There was no DSU or DSUPD presence anywhere at the party.

50. Despite prior knowledge of the event, likely attendance, the frequent drug and alcohol use at these Campus-sponsored events, and the history of violent crime at Campus parties, DSU and DSUPD did not shut down the event and did not deploy officers to supervise the individuals in attendance, most of whom were teenagers.

51. Defendants failed to close off the public entrance points into the Campus and/or and failed to search any visitors or DSU students.

52. Defendants failed to implement any methods of access control.

53. Defendants failed to implement any methods of natural surveillance.

54. Defendants failed to install and use adequate lighting.

55. Defendants failed to take any measures whatsoever to ensure the safety of those attending the party.

56. Defendants publicly-advertised that hundreds of its young students and their friends would be outside in the open on the DSU Campus basketball courts drinking and smoking. Defendants knew from prior incidents that these parties were frequently the targets for violence and attempted property crime.

57. Defendants, however, took absolutely no measures to protect DSU students and their guests from individuals coming onto Campus and harming them. Defendants turned the DSU students and their friends into proverbial sitting ducks.

58. As a direct result of Defendants' failures, two unknown armed individuals were permitted to gain access to Campus and opened fire on the students and guests in attendance at the DSU SGA party.

59. Initial statements from DSU indicate that it believes that the criminals entered onto the Campus with the intent to rob the party attendees; the students and other partygoers were shot in the commission of those robberies.

60. In total, four individuals were shot, including two DSU students and Plaintiff.

61. Plaintiff was shot twice by two different men, once in the leg and the other in the stomach.

62. When paramedics arrived on the scene, Plaintiff was taken to Bayhealth Kent County Hospital, where doctors performed life-preserving surgery.

63. He suffered a constellation of injuries, including, but not limited to: traumatic hemorrhagic shock, acute respiratory failure, small bowel perforation, significant blood loss requiring transfusion, left ureteral injury, kidney injury, metabolic acidosis, multiple perforations

from gunshot wounds, including a gunshot wound to the spine, spinous injury with paraplegia, and a left fibular fracture.

64. Plaintiff suffered cardiac arrest in the operating room at Kent County, requiring a resuscitative thoracotomy.

65. Given the severity of Plaintiff's condition, he was then transferred to Christiana Hospital, where he remained until September 27, 2022, when he was discharged to in-patient care at Magee Rehabilitation Hospital in Philadelphia, Pennsylvania.

66. At Christiana, Plaintiff underwent several operative procedures, including a laparotomy, bowel anastomosis, abdominal closure, and an L3-L5 spinal fusion.

67. Plaintiff remained in in-patient treatment at Magee Rehabilitation Hospital from September 27, 2022 until December 16, 2022. He attended out-patient therapy at Magee Rehabilitation Hospital – Riverfront on a near daily basis.

68. In July 2023, Plaintiff underwent an additional surgery to extract the bullet lodged in his leg.

69. As a direct and proximate result of Defendants' negligent, careless, and reckless conduct, Plaintiff was criminally attacked, assaulted, and shot on the Premises and sustained severe physical injuries, including, but not limited to (1) gunshot wound to abdomen and back, (2) gunshot wound to left shin, (3) bowel perforation, (4) comminuted left mid diaphyseal fibular fracture, (5) incomplete paraplegia, and (6) spinal cord injury; mental pain and suffering; psychological injuries, including, but not limited to (1) depression and (2) anxiety; scarring, disability, permanent disfigurement, and the loss of the capacity for the enjoyment of life.

70. Plaintiff's injuries and damages were caused by the acts of Defendants jointly and/or severally and/or through their joint and individual agents, servants, and/or employees as hereinbefore and hereinafter set forth.

71. Plaintiff's injuries and damages were not caused by any act or omission on Plaintiff's part.

COUNT I – NEGLIGENCE
PLAINTIFF v. ALL DEFENDANTS

72. Plaintiff adopts by reference the foregoing paragraphs.

73. At all relevant times, Defendants owned, controlled, maintained and/or were responsible for the supervision, control, security, safeguarding, and oversight of the Premises and/or events on the Premises.

74. Defendants owed a duty to all DSU students and visitors, including Plaintiff, to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for the use of the public. In particular, Defendants had a duty to take such precautions as were reasonably necessary to protect all lawful business invitees, including Plaintiff, from reasonably foreseeable security threats.

75. Defendants knew, or in the exercise of reasonable case, should have known, that the Premises and the area immediately surrounding its Premises was a high-crime area, that there had been numerous other shootings on its Campus, along with other criminal acts and attacks perpetrated on individuals on the Premises, Campus events attracted criminal conduct and those looking to commit property crimes, and/or that such security threats were reasonably likely to be perpetrated during the Battle of the Yard party and the other parties regularly occurring on Campus unless Defendants took steps to provide proper security for such individuals.

76. Defendants knew, or in the exercise of reasonable care should have known, that no individuals, including Plaintiff, had within their own power to take the measure necessary to provide for their own security on the Premises.

77. Defendants were negligent, careless, and reckless, and breached their respective duties of reasonable care for the safety and protection of the public and the Plaintiff in all or more of the following ways:

- a. by failing to provide adequate security for all lawful visitors of the Premises, including Plaintiff;
- b. by failing to have an adequate number of security personnel, including armed and unarmed police officers and security guards, to protect the lawful visitors of the Premises, including Plaintiff;
- c. by failing to have competent security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- d. by failing to properly train security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- e. by failing to have a sufficient number of security personnel, including armed and unarmed police officers and security guards, in visible areas to deter crime thereby protecting lawful visitors of the Premises, including Plaintiff;
- f. by failing to provide reasonable and adequate instruction and/or supervision to employees, agents, representatives, servants and/or security personnel in connection with the safety of Campus events;
- g. by failing to take additional security measures after being put on notice by prior Campus shootings and criminal activity that security measures were inadequate;
- h. by failing to reasonably and effectively utilize and monitor existing security devices in place, including surveillance cameras;
- i. by failing to warn, protect, guard, and secure the safety of the Plaintiff or other similarly situated members of the public, when the Defendants knew or should have known of the existence of crime and the danger to those individuals on Campus;

- j. by failing to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus;
- k. by failing to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus during DSU SGA parties and/or other campus events;
- l. by failing to police, patrol, guard, deter, and otherwise provide adequate protection for individuals on Campus, when Defendants knew or should have known of the foreseeable criminal acts;
- m. by failing to have adequate control measures in place to ensure the safety of attendees at Campus events;
- n. by failing to develop a safety and security plan for Campus events to ensure the safety of students and lawful attendees;
- o. by failing to ensure adequate security presence at Campus events to deter criminal conduct;
- p. by failing to provide a safe place for its students and visitors;
- q. by failing to take any steps to increase security, despite knowledge of prior violent crime on the Campus at Campus events;
- r. by failing to oversee and/or supervise existing security measures to ensure that such measures were being properly performed;
- s. by failing to employ reasonable and readily-available access control methods;
- t. by failing to employ reasonable and readily-available natural surveillance methods;
- u. by failing to provide for adequate lighting;
- v. by failing to secure the perimeter of Campus to prevent individuals without a lawful purpose from coming onto Campus; and
- w. by failing to remove individuals from Campus without a lawful purpose when Defendants knew or should have known of their existence.

78. As a direct and proximate result of Defendants' negligent, careless, and reckless conduct and omissions, as described above, Plaintiff was criminally attacked, assaulted, and shot

on the Premises and sustained severe physical injuries, mental pain and suffering, psychological injuries, scarring, disability, permanent disfigurement, and the loss of the capacity for the enjoyment of life.

79. As a direct and proximate result of Defendants' negligent, careless, and reckless conduct and omissions, Plaintiff has also incurred significant past and future past medical expenses, and the loss of past income and future earning capacity.

80. Plaintiff's injuries and damages were caused by the acts of Defendants jointly and/or severally and/or through their joint and individual agents, servants, and/or employees as hereinbefore and hereinafter set forth.

81. All of the aforementioned damages are permanent and continuing in nature.

COUNT II – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
PLAINTIFF v. ALL DEFENDANTS

82. Plaintiff adopts by reference the foregoing paragraphs.

83. At all relevant times, Defendants owned, controlled and/or were responsible for the supervision, control, security, safeguarding, and oversight of the Premises, and owed a duty to all Campus students and visitors, including Plaintiff, to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for the use of the public. In particular, Defendants had a duty to take such precautions as were reasonably necessary to protect all lawful visitors, including Plaintiff, from reasonably foreseeable security threats.

84. Defendants knew, or in the exercise of reasonable case, should have known, that the Premises and the area immediately surrounding its Premises was a high-crime area, that there had been numerous other shootings on its Campus, along with other criminal acts and attacks perpetrated on individuals on the Premises, Campus events attracted criminal conduct and those looking to commit property crimes, and/or that such security threats were reasonably likely to be

perpetrated during the Battle of the Yard party and the other parties regularly occurring on Campus unless Defendants took steps to provide proper security for such individuals.

85. Defendants knew, or in the exercise of reasonable care should have known, that no individuals, including Plaintiff, had within their own power to take the measure necessary to provide for their own security on the Premises.

86. Defendants were negligent, careless, and reckless, and breached their respective duties of reasonable care for the safety and protection of the public and the Plaintiff in all or more of the following ways:

- a. by failing to provide adequate security for all lawful visitors of the Premises, including Plaintiff;
- b. by failing to have an adequate number of security personnel, including armed and unarmed police officers and security guards, to protect the lawful visitors of the Premises, including Plaintiff;
- c. by failing to have competent security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- d. by failing to properly train security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- e. by failing to have a sufficient number of security personnel, including armed and unarmed police officers and security guards, in visible areas to deter crime thereby protecting lawful visitors of the Premises, including Plaintiff;
- f. by failing to provide reasonable and adequate instruction and/or supervision to employees, agents, representatives, servants and/or security personnel in connection with the safety of Campus events;
- g. by failing to take additional security measures after being put on notice by prior DSU shootings and criminal activity that security measures were inadequate;
- h. by failing to reasonably and effectively utilize and monitor existing security devices in place, including surveillance cameras;

- i. by failing to warn, protect, guard, and secure the safety of the Plaintiff or other similarly situated members of the public, when the Defendants knew or should have known of the existence of crime and the danger to those individuals on Campus;
- j. by failing to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus;
- k. by failing to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus during DSU SGA parties;
- l. by failing to police, patrol, guard, deter, and otherwise provide adequate protection for individuals on Campus, when Defendants knew or should have known of the foreseeable criminal acts;
- m. by failing to have adequate control measures in place to ensure the safety of attendees at Campus events;
- n. by failing to develop a safety and security plan for Campus events to ensure the safety of students and lawful attendees;
- o. by failing to ensure adequate security presence at Campus events to deter criminal conduct;
- p. by failing to provide a safe place for its students and visitors;
- q. by failing to take any steps to increase security, despite knowledge of prior violent crime on the Campus at Campus events;
- r. by failing to oversee and/or supervise existing security measures to ensure that such measures were being properly performed;
- s. by failing to employ reasonable and readily-available access control methods;
- t. by failing to employ reasonable and readily-available natural surveillance methods;
- u. by failing to provide for adequate lighting;
- v. by failing to secure the perimeter of Campus to prevent individuals without a lawful purpose from coming onto Campus; and
- w. by failing to remove individuals from Campus without a lawful purpose when Defendants knew or should have known of their existence.

87. At the time Plaintiff sustained life-altering and life-threatening injuries, including permanent disability and permanent disfigurement resulting from Defendants' aforementioned negligence, carelessness, and recklessness, Plaintiff was located in the zone danger, in that Plaintiff was on Campus and in attendance at the Battle of the Yard party and present when Defendants' tortious conduct occurred.

88. As a direct and proximate result of Defendants' negligent, careless, and reckless conduct and omissions, as described above, Plaintiff was criminally attacked, assaulted, and shot on the Premises and sustained severe emotional disturbance and damage, in addition to Plaintiff's physical injuries, scarring, disability, permanent disfigurement, and the loss of the capacity for the enjoyment of life.

89. As a result of this conduct, Plaintiff suffered emotional distress resulting in bodily harm, including, but not limited to nightmares, sleep disturbances, panic attacks, physical manifestations of anxiety including rapid heartbeat, elevated pulse, shortness of breath, post-traumatic stress disorder, and depression.

90. As a direct and proximate result of Defendants' negligence, careless, and reckless conduct and omissions, as described above, Plaintiff has also incurred significant past and future past medical expenses, and the loss of past income and future earning capacity.

91. Plaintiff's injuries and damages were caused by the acts of Defendants jointly and/or severally and/or through their joint and individual agents, servants, and/or employees as hereinbefore and hereinafter set forth.

92. All of the aforementioned damages are permanent and continuing in nature.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
PLAINTIFF v. ALL DEFENDANTS

93. Plaintiff adopts by reference the foregoing paragraphs.

94. Defendants knew, or in the exercise of reasonable case, should have known, that the Premises and the area immediately surrounding its Premises was a high-crime area, that there had been numerous other shootings on its Campus, along with other criminal acts and attacks perpetrated on individuals on the Premises, and that such criminal acts and attacks were reasonably likely to be perpetrated again at events on Campus unless Defendants took steps to provide proper security for such individuals.

95. Despite this knowledge, including knowledge of the prior fatal shootings on its Campus, Defendants:

- a. failed to provide adequate security for all lawful visitors of the Premises, including Plaintiff;
- b. failed to have an adequate number of security personnel, including armed and unarmed police officers and security guards;
- c. failed to protect the lawful visitors of the Premises, including Plaintiff;
- d. failed to have competent security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- e. failed to properly train security personnel, including armed and unarmed police officers and security guards, to protect lawful visitors of the Premises, including Plaintiff;
- f. failed to have a sufficient number of security personnel, including armed and unarmed police officers and security guards, in visible areas to deter crime thereby protecting lawful visitors of the Premises, including Plaintiff;

- g. failed to provide reasonable and adequate instruction and/or supervision to employees, agents, representatives, servants and/or security personnel in connection with the safety of Campus events;
- h. failed to take additional security measures after being put on notice by prior shootings and criminal activity on Campus that security measures were inadequate;
- i. failed to utilize and monitor existing security devices in place, including surveillance cameras; reasonably and effectively;
- j. failed to warn, protect, guard, and secure the safety of the Plaintiff or other similarly situated members of the public, when the Defendants knew or should have known of the existence of crime and the danger to those individuals on Campus;
- k. failed to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus;
- l. failed to implement adequate security policies, security measures, and security proceedings necessary to protect Plaintiff and other individuals on Campus during DSU SGA parties;
- m. failed to police, patrol, guard, deter, and otherwise provide adequate protection for individuals on Campus, when Defendants knew or should have known of the foreseeable criminal acts;
- n. failed to have adequate control measures in place to ensure the safety of attendees at Campus events;

- o. failed to develop a safety and security plan for Campus events to ensure the safety of students and lawful attendees;
- p. failed to ensure adequate security presence at Campus events to deter criminal conduct; failed to provide a safe place for its students and visitors;
- q. failed to take any steps to increase security, despite knowledge of prior violent crime on the Campus at Campus events;
- r. failed to oversee and/or supervise existing security measures to ensure that such measures were being properly performed;
- s. failed to employ reasonable and readily available access control methods; failed to employ reasonable and readily available natural surveillance methods;
- t. failed to provide for adequate lighting; failed to secure the perimeter of Campus to prevent individuals without a lawful purpose from coming onto Campus; and
- u. failed to remove individuals from Campus who were present without a lawful purpose when Defendants knew or should have known of their existence.

96. Defendants' conduct was extreme and outrageous in that it knew of all the aforesaid dangers but took absolutely no measures to protect against the same, causing Plaintiff to be attacked, assaulted, and shot on the Premises, and to suffer from, *inter alia*, extreme emotional disturbance and damage in addition to Plaintiff's physical injuries, scarring, disability, permanent disfigurement, and the loss of the capacity for the enjoyment of life.

97. As a result of this conduct, Plaintiff suffered emotional distress resulting in bodily harm, including, but not limited to nightmares, sleep disturbances, panic attacks, physical manifestations of anxiety including rapid heartbeat, elevated pulse, shortness of breath, post-traumatic stress disorder, and depression.

98. Plaintiff's injuries and damages were caused by the acts of Defendants jointly and/or severally and/or through their joint and individual agents, servants, and/or employees as hereinbefore and hereinafter set forth.

99. Plaintiff's extreme emotional disturbance and damage is permanent and continuing in nature.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and/or severally for compensatory damages, delay damages, punitive damages, general and special damages, medical and lost wage expenses, interest and allowable costs of suit and all other recoverable damages under the laws of Delaware and brings this action to recover the same.

Dated: November 8, 2023

Respectfully submitted,

GRANT & EISENHOFER P.A.

/s/ Irene Lax

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