

Affidavit of Michael Torney

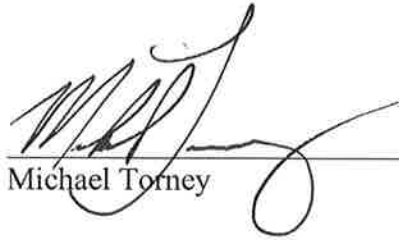
I, Michael Torney, being first duly sworn, hereby depose and say:

1. I pledged and joined the Rider University chapter of the Phi Kappa Tau Fraternity in the spring of 2006 when I was a sophomore. At the time, Mike Cerulo as the President of the chapter.
2. During my pledge period, I was hazed by fraternity members. The chapter had line-ups where older fraternity brothers would scream at pledges and instruct us to do things that were physically uncomfortable such as push-ups and crouches. Near the end of the pledge period, I went through a ceremony where I was introduced to what was called the "family drink," which was Jack Daniels. Other fraternity members had different family drinks, but all of them were alcohol. Before drinking the family drink with my big brother and other fraternity members, I had to get permission from the chapter's Pledge Master. I think this is a form of hazing and pledges would feel some pressure and compulsion to drink to impress older fraternity members.
3. Introducing pledges to the family drink was an old tradition of the fraternity. While I was a member of the fraternity, I saw numerous fraternity members and others get grossly intoxicated in the fraternity and pass out. I'd seen people fall down the stairs at the fraternity house from being so drunk. Every Wednesday the chapter would have a "hump night" party, where alcohol was available to drink and there was a lot of underage drinking. We could not have this party on Thursday nights because this was the night that older fraternity members would regularly go out to a club to drink and party. The basement of the fraternity house has a bar. Adrian DiDonato knew about the underage drinking in our fraternity and that pledges were hazed. He rarely did anything to stop the fraternity or fraternity brothers from doing these activities unless there was a house managerial issue.
4. I became President of the fraternity chapter in the spring of 2007. I was 20 years old. I made it one of my primary goals to end hazing by the fraternity chapter. I received very little training from the National Fraternity on hazing. Basically, all the National Fraternity did was tell me that it was not allowed. Mike Cerulo joined me in the effort to stop hazing in the fraternity, although we knew we could not do it alone because the older fraternity brothers believed that hazing pledges was an important tradition of the fraternity. I talked to some of the older fraternity brothers and fraternity officers about ending hazing and they refused to listen.
5. In the summer of 2006, I attended a 4-day conference sponsored by the National Interfraternity Council. At the conference I learned how to be an effective leader of positive change. I was instructed to get help from my university and the National Fraternity to help me change fraternity traditions that I thought involved hazing or were dangerous.

6. In January 2007 I made an appointment with Ada Badgely. I told her clearly that our fraternity hazed people in the fraternity house. I told her that I wanted to change this and that I needed her and the university's help. Ms. Badgely got Cassie Iacovelli, Rider's Assistant Dean for Campus Life, involved in our discussions.
7. Mike Cerulo and I also got the National Fraternity involved because we needed their help. Scott Brown, the National Fraternity's Domain Director, was told about the hazing in our fraternity and he said he would help us end it in the chapter.
8. Mike and I developed a plan to go through with the pledge process and when the hazing began tip off the university and Scott Brown so that the hazers could be caught and disciplined. The National Fraternity could then help us do reorganization so that the chapter would be free of members who hazed. The university agreed to discipline the students it found engaged in hazing under the school's rules.
9. This plan was discussed and agreed upon in a meeting in Ada Badgely's office. Mike and Scott Brown participated in a conference phone line. Ada agreed to be the person who would walk in during the hazing. Mike and I left the meeting feeling very positive about our plan and efforts to end hazing. All in all, I had about 4-5 meeting with Ada and/or Cassie about hazing in the fraternity and my need for their help to end it.
10. Several days before pledging began, I received a call from either Ada or Cassie asking me to stop by their office. I thought they wanted me to come in to go over the plan. Instead, when I arrived, Cassie told me that the plan was the wrong thing to do. She started to instruct me in principles of leadership, telling me that it was my responsibility as a leader of the chapter to end the hazing on my own. She said that the university had a trust relationship with the fraternity and students, and that it did not want to destroy these relationships by engaging in a sting operation. She said the university was not in the business of running sting operations. She said that the most important part of her job is to teach students to be leaders, and that it would be the wrong way for me to lead the fraternity if I got help from the university. She said that if I went out into the real world to make changes, I'd learn that I would have to stand on my own two feet and do it on my own. In the real world, Cassie told me, leaders of companies did not solve problems by going behind people's backs. She said I had to make a stand and end the hazing in the chapter on my own. Ada and Cassie crushed my plan to end hazing in the fraternity just several days before pledging began.
11. I left the meeting very upset and angry. I called Scott Brown and let him know about the meeting. He said that he would still help make the plan happen by going into the house himself. He never went out of his way to make himself available. He knew the details about hazing and drinking in our fraternity but he never acted to help. I believed that the National Fraternity had a responsibility to help me but I was on my own. I spoke to older fraternity members again about ending hazing, and it turned into a yelling match. I talked to the Pledge Master, Dan Florio, about ending hazing and he responded, "Fuck you." It

- was a disaster.
12. I wrote a speech to give to the fraternity members fabricating the fact that we were under a hazing watch and that we had to end the hazing so we would not get caught. I thought this was a good idea because I had to somehow convince 50 or so fraternity members who wanted to haze pledges to stop. I gave the speech and finished by telling the fraternity members that there would be no hazing. I removed the Pledge Master and he was replaced by Dominic Olsen, who I had already spoken to and obtained his agreement to end hazing. When I removed the Pledge Master and said hazing would end, older fraternity members were so angry they began throwing chairs.
 13. On March 28, 2007, the fraternity had one of its Hump Night parties. We also had a pledge event where the pledges would be introduced to their family drink. Dominic Olsen was in charge of that event and was supposed to watch out for the pledges so that nobody got hurt. He was also supposed to make sure that pledges did not drink too much. After giving the pledges permission to begin drinking, I understand that Dominic failed to watch over the event and the pledges. I think he went out to party with his girlfriend.
 14. I saw Gary DeVercelly come out of the bar in the fraternity basement. When he was waling up the stairs, he dropped a bottle of alcohol he was carrying. He was visibly drunk but seemed okay at that time. I told him that I would clean it up for him, and then I went to watch the front door of the fraternity house. Around 12:00 or 12:30 a.m., Mike Cerulo came and got me and we both went upstairs to Clint Main's bedroom. There, we saw several guys holding Gary upside down by the feet with his head in a trash can. He was in terrible condition, and I yelled at the people to put him down and call 911. I put Gary into a recovery position and watched his breathing/pulse for about 10 or so minutes until emergency people arrived. He was unconscious when emergency people arrived. They shouted his name and Gary opened his eyes.
 15. I was later told that one of the guys in Clint's room had said that emergency services needed to be called earlier, but that Clint Main told him not to. He said that Gary was fine and that he (Clint) was taking care of the situation. This went on for something like 20 minutes before Mike Cerulo was called and he and I became aware of the situation. I do not blame Gary for drinking as much alcohol as he did. I am familiar with this fraternity tradition and believe that he would have felt compulsion and pressure to drink in order to fit in and impress older fraternity brothers.
 16. After Gary was taken to the hospital, Dean Campbell and Ada Badgely came to the fraternity house. Dean Campbell told us to clean up the house before the press arrived so that it did not look like a typical animal house. The house was littered with empty alcohol bottles, and there was vomit on the floor. Underage students were in the house and visibly drunk.
 17. To my knowledge, the university has never taken any disciplinary action against members of the fraternity even though there was tons of evidence at the house of underage drinking and it knew that the fraternity hazed pledges.

18. The National Fraternity never took any disciplinary action against individual fraternity members. While it suspended the chapter's charter, it is likely that it will try to reopen this chapter in the future. The fraternity sent a lawyer to the chapter after the death of Gary to investigate things. He said he was there to help but I did not believe him. Scott Brown and someone else from the National Fraternity instructed the fraternity members not to say anything about Gary's death to the medial or anyone else outside of the fraternity.

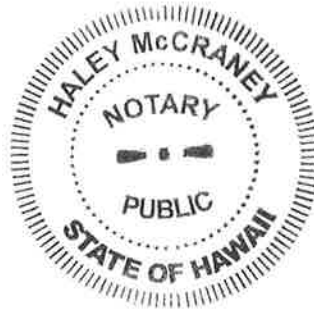

Michael Torney

STATE OF Hawaii, COUNTY OF Maui, TO
WIT:

Subscribed and sworn before me this 7th day of August, 2008.

My commission expires Haley McCraney
Expiration Date: September 3, 2010


Notary Public



Doc. Date: 8/7/08 # Pages: 4
Name: Haley McCraney 2 Circuit
Doc. Description: Widant

Signature 8/7/08 Date
NOTARY CERTIFICATION