

## LITIGATION FOR THE LAYMAN – CHAPTER SEVEN

### “IT’S DEJA VU ALL OVER AGAIN”

(Apologies to Yogi Berra)

As described in Chapter Six, the Board of Trustees met in late October and in response to the report from the Committee on Greek Life, decided that there would be no “new” Greek organizations “recognized” for the next three years. The Board also decided to establish another committee to set standards that Greek organizations would have to meet. If they fail to meet those standards, they will be closed. What will be considered in the standards? GPA? Gender? Disciplinary record?

Following the Board’s meeting, Rho representatives made several requests for the record of the Board’s deliberations on Rho’s Plan to Return. There has been no response from the college other than to reiterate the Board’s appointment of the next committee. Thus we are left in the dark in terms of what the Board actually did or did not do.

So where are things? Following the apparent Board failure to act affirmatively on our Plan, a new Complaint was filed with the Court that in many respects tracks the allegations of our earlier Complaint. In response, the College filed “Preliminary Objections” (PO’s) which basically assert that there are NO facts nor ANY theories of law that would justify the Court granting the relief we requested in the Complaint. All questions or ambiguities are construed against the filer of the PO’s - here, the College. You’ll recall that last spring, before we had a chance to file a response to the College’s PO’s, the court dismissed the College’s PO’s on its own motion.

The present PO’s may be procedurally incorrect. In addition, most of the arguments in the College’s brief supporting its PO’s are reasons why Rho is allegedly not entitled to an injunction – which is not the only issue before the court. The issue at this stage is whether Rho is entitled to any relief. We have filed our response and are expecting a decision later this month.

While we are waiting for the court’s decision on the PO’s, both parties were called in for a “status conference.” From time to time, courts do this to discuss pending issues, get a better understanding of the issues between the parties and give guidance on how the case will be handled going forward. Sometimes these status conferences are in a courtroom, sometimes in chambers (judge’s office). We had requested such a conference because some of the aspects the court’s August 12th Order had become unclear after the College announced that it would not need Vallamont for housing in the spring semester, but would not allow the Rho Chapter to use the house either. The College had not agreed to continue insurance coverage and other carrying charges for the now vacant house. On December 21, 2011 we had a conference with the court and the judge sided with us. He ordered the College to continue provide insurance, heat and maintenance while the house is vacant. He also announced that he did not need oral argument on the issues and would decide the pending motion to

dismiss on the basis of the filed briefs. He included in this most recent order that we may have access to the house for such purposes as Board Meetings. There will be a board meeting at the house on January 14, 2012 and all interested Chi Phi's should plan to attend. It will be in Vallamont, starting at 10:30 AM.

Next up should be the judge's decision on the College's motion to dismiss. We will update this column after that decision is handed down later this month.

**GOOD NON-LITIGATION NEWS!**

On the non-litigation front, Rho has new brothers (!) who were initiated in December at the Lehigh chapter house – with the fraternal assistance of our Lehigh brothers. Rho remains alive! Rho remains active! and Rho is growing!

Fraternally,

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