

**PATRICK DENNEHY, SR.
INDIVIDUALLY and as NATURAL FATHER
of Decedent, PATRICK DENNEHY, JR.**

Plaintiff

VS.

**BAYLOR UNIVERSITY; BAYLOR
UNIVERSITY BOARD OF REGENTS;
ROBERT SLOAN, Individually; DRAYTON
McLANE, JR., Individually; TOM STANTON,
Individually; DAVE BLISS, Individually;
DOUG ASH, Individually; RODNEY
BELCHER, Individually; PAUL BRADSHAW,
Individually; and WILLIAM F. STEVENS,
Individually, Jointly and Severally**

Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

CLERK OF DISTRICT COURT
HARRIS COUNTY TEXAS
03 AUG 22 AM 8:07
BY DEPUTY

23A

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES

COMES NOW PATRICK DENNEHY, SR., Individually and as Natural Father of PATRICK DENNEHY, JR., Deceased, Plaintiff, and files this his Original Petition and Request for Disclosures, complaining of Defendants, BAYLOR UNIVERSITY; BAYLOR UNIVERSITY BOARD OF REGENTS; ROBERT SLOAN, Individually; DRAYTON McLANE, JR., Individually; TOM STANTON, Individually; DAVE BLISS, Individually; DOUG ASH, Individually; RODNEY BELCHER, Individually; PAUL BRADSHAW, Individually; and WILLIAM F. STEVENS, Individually, Jointly and Severally, and for cause of action would show this Honorable Court as follows:

I. CASE DISCOVERY

1. Discovery in this case is intended to be conducted under Level 3 of Tex. R. Civ. P. 190. Plaintiff affirmatively pleads that he seeks monetary relief aggregating more than \$50,000.00.

II. PARTIES

2. Plaintiff, PATRICK DENNEHY, SR., is an individual residing in Seattle, Washington. PATRICK DENNEHY, JR., Deceased, was a resident of McLennan County, Texas at the time of his death.

3. Defendant, BAYLOR UNIVERSITY, is a Texas non-profit corporation, and has its principal place of business in Waco, Texas. Defendant may be served with process by serving its registered agent for service, Robert B. Sloan, Jr., 7th at Baylor Avenue, Pat Neff Hall, Baylor University, Waco, Texas 76706. At all times relevant hereto, Defendant has been involved in the education, housing and care of student athletes. Additionally, Defendant was actively involved in the vetting and hiring of other Defendants named herein.

4. Defendant, BAYLOR UNIVERSITY BOARD OF REGENTS, is the official governing body of Defendant, Baylor University. Defendant may be served with process by serving its registered agent for service, Robert B. Sloan, Jr., 7th at Baylor Avenue, Pat Neff Hall, Baylor University, Waco, Texas 76706. At all times relevant hereto, Defendant was the governing body of Baylor University and involved in the education, housing and care of student athletes. Additionally, Defendant was actively involved in the vetting and hiring of other Defendants named herein.

5. Defendant, ROBERT SLOAN, is a resident of the State of Texas and may be served with process at his home office address, 7th at Baylor Avenue, Pat Neff Hall, Baylor University, Waco, Texas 76706. At all times relevant hereto, Defendant was the President of Baylor University and involved in the education, housing and care of student athletes. Additionally, Defendant was actively involved in the vetting and hiring of other Defendants named herein.

6. Defendant, DRAYTON McLANE, JR., is a resident of the State of Texas and may be served with process at his home address, The Four Seasons Place Apartments, 1111 Caroline Street, Apt. 2705, Houston, Texas 77010. At all times relevant hereto, Defendant was the Chairman of the Board of Regents of Defendant, Baylor University. Defendant was responsible for the overall government of Baylor University and more specifically, the education, housing and care of student athletes. Additionally, Defendant was a member of the hiring committee which actively vetted and hired many of the other Defendants named herein.

7. Defendant, TOM STANTON, is a resident of the State of Texas and may be served with process at his home address, 419 Woodfall Drive, Waco, Texas 76712. At all times relevant hereto, Defendant was the Athletic Director of Baylor University and involved in the education, housing and care of student athletes. Additionally, Defendant was actively involved in the vetting and hiring of other Defendants named herein.

8. Defendant, DAVE BLISS, is a resident of the State of Texas and may be served with process at his home address, 105 Kingston, Waco, Texas. At all times relevant hereto, Defendant was the Head Coach of the men's basketball program of Baylor University and actively involved in the education, housing and care of student athletes.

9. Defendant, DOUG ASH, is a resident of the State of Texas and may be served with process at his office address, Baylor Athletic Department, 150 Bear Run, Waco, Texas 76711. At all times relevant hereto, Defendant was an assistant coach of the men's basketball program of Baylor University and actively involved in the education, housing and care of student athletes.

10. Defendant, RODNEY BELCHER, is a resident of the State of Texas and may be served with process at his office address, Baylor Athletic Department, 150 Bear Run, Waco,

Texas 76711. At all times relevant hereto, Defendant was the assistant coach of the men's basketball program of Baylor University and actively involved in the education, housing and care of student athletes.

11. Defendant, PAUL BRADSHAW, is a resident of the State of Texas and may be served with process at his office address, Baylor Athletic Department, 150 Bear Run, Waco, Texas 76711. At all times relevant hereto, Defendant was the Assistant Athletic Director for Compliance at Baylor University and actively involved in the education, housing and care of student athletes. Additionally, Defendant was actively involved in the vetting and hiring of other Defendants named herein and primarily responsible for Baylor University's NCAA compliance reporting.

12. Defendant, WILLIAM F. STEVENS, is a resident of the State of Texas and may be served with process at his home address, 404 Shadow Mountain Drive, Woodway, Texas 76712. At all times relevant hereto, Defendant was a financial supporter of the Baylor University men's basketball program and specifically, the "Sixth Man Club."

III. JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this controversy because the damages are within its jurisdictional limits. Additionally, Defendants are all residents of Texas; all Defendants do business in Texas; all Defendants have committed torts in Texas; and all Defendants are amenable to service by a Texas court.

14. Venue is proper in Harris County, Texas. Specifically, venue is proper under Texas Civil Practice and Remedies Code § 15.002(a)(2) because Harris County, Texas was the county of one Defendant's residence at the time the cause of action accrued. Additionally, venue is proper in Harris County, Texas under Texas Civil Practice & Remedies Code § 15.005

because proper venue for one Defendant is proper venue for all Defendants in all claims or actions arising out of the same transaction, occurrence, or series of transactions or occurrences.

IV. STATEMENT OF FACTS

15. On or about June 16, 2003, Patrick Dennehy, Jr. was executed in an abandoned gravel pit just outside Waco, Texas. Prior to his tragic death, Patrick was a 21 year-old student athlete at Baylor University where he actively participated in the school's basketball program. Being a gifted athlete, Patrick was actively recruited by Baylor University and the staff of its men's basketball program. Athletic Director Tom Stanton, Head Coach Dave Bliss and Assistant Coaches, Doug Ash and Rodney Belcher, among others, vigorously courted Patrick and eventually persuaded him to join the Baylor program.

16. Patrick was promised a full athletic scholarship to the elite, private university and relied on that promise when he made his commitment to attend the school. Both Patrick and his family believed that he would be provided tuition and books, paid housing, a meal allowance and all of the other benefits included in a scholarship.

17. Not long after he began attending Baylor and playing for its basketball team, Patrick was asked to forfeit his scholarship in favor of another new player. Patrick became concerned over this request and other improprieties and suspicious activities in the athletic department, specifically the men's basketball program and head coach Dave Bliss.

18. This was not the first time Coach Bliss had fallen under suspicion for improper and illegal activities. Coach Bliss had a long and troubling history with the NCAA at two, at least, of his previous coaching assignments. Coach Bliss was actively investigated during his tenure at both Southern Methodist University and the University of New Mexico before finally arriving at Baylor. Despite the serious allegations lodged at both of these institutions, the Baylor

University Board of Regents, Regent Chairman Drayton McLane, Jr., Baylor University President Robert Sloan, Athletic Director Tom Stanton and the Baylor University hiring committee gave Coach Bliss their seal of approval. Coach Bliss' very presence at Baylor created an unsafe atmosphere for the student athletes and ultimately led to the murder of Patrick Dennehy, Jr.

19. Patrick voiced his concerns about the basketball program to the Baylor University administration and to the athletic department, but those concerns fell on deaf ears. Patrick notified the men's basketball coaching staff of his concerns, again to no avail. Both the athletic department and school administration ignored Patrick's complaints. School officials also ignored the mounting evidence of illegal activities within the athletic department.

20. Patrick determined that it would be up to him to expose the improprieties at the school in order to stop what was going on. Shortly after making that decision, Patrick became the target of violent threats against his person and soon became fearful for his life. The Baylor administration and athletic department again turned their backs on Patrick and ignored his requests for help. After being abandoned by his Baylor family, Patrick took steps to protect himself against the threats he was receiving. Despite his best efforts, Patrick's fears became reality on or about June 16, 2003, when he was lured to his death by another Baylor basketball player and ultimately silenced forever.

21. The Baylor University administration, athletic department and coaching staff had been made fully aware of the problems they faced within. In fact, they had been participating in the very activities complained of up until Patrick's untimely death. Their acts and omissions directly lead to Patrick's wrongful death.

22. Each and every Defendant named herein participated in the acts and omissions complained of herein and then entered into a civil conspiracy to conceal the truth about Patrick's death and the improprieties and illegal activities in its men's basketball program. Each and every Defendant took part in or helped to conceal the improper and illegal activities taking place within the Baylor University system and specifically within its athletic department.

23. When it became clear that their activities were about to be exposed, each and every Defendant took the steps they deemed necessary to cover up their actions and protect themselves from being exposed. Those actions ultimately led to the death of Patrick Dennehy, Jr.

V. COUNT ONE - NEGLIGENCE AND GROSS NEGLIGENCE

24. Plaintiff asserts claims under the theories of negligence and gross negligence against each and every Defendant. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges as follows:

- a. Defendants owed Plaintiff a duty to not subject Plaintiff to unreasonable risks of injury.
- b. Defendants owed Plaintiff a duty of reasonable care in all aspects concerning the incidents made the subject of this case.
- c. Defendants were negligent and grossly negligent and breached duties owed to Plaintiff with respect to the incidents made the subject of this lawsuit.
- d. Accordingly, Defendants are jointly and severally liable to Plaintiff for all damages claimed, including exemplary damages, as a result of Defendants' gross negligence.

VI. COUNT TWO - NEGLIGENT MISREPRESENTATION

25. Plaintiff brings this cause of action against each and every Defendant under the theory of negligent misrepresentation. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges as follows:

- a. Defendants, individually and through their agents, representatives and/or employees, negligently misrepresented material facts about the incidents made the subject of this lawsuit in that they made such misrepresentations when they knew or reasonably should have known of the falsity of such representations. Alternatively, Defendants made such misrepresentations without exercising reasonable care to ascertain the accuracy of these representations.
- b. The above misrepresentations were made to the Plaintiff and the Decedent.
- c. Plaintiff and Decedent justifiably relied on Defendants' misrepresentations.
- d. Defendants' misrepresentations were the proximate cause of Plaintiff's damages.

VII. COUNT THREE - CIVIL CONSPIRACY

26. Plaintiff brings this cause of action against each and every Defendant under a civil conspiracy theory. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges as follows:

- a. Defendants entered into a civil conspiracy and a concert of action to pursue a common design, purpose, and intention.
- b. Each Defendant, along with one or more additional persons or entities, had a meeting of minds about a common object or goal to be accomplished or a common course of action.
- c. That goal or the course of action used to obtain the goal is unlawful.
- d. At least one of the parties to the conspiracy committed an overt unlawful act or course of conduct in furtherance of the conspiracy.

- e. Plaintiff's damages were the proximate result of this conspiracy.

VIII. COUNT FOUR -
THE TEXAS WRONGFUL DEATH ACT & SURVIVAL STATUTE

27. Plaintiff brings this cause of action against each and every Defendant under the Texas Wrongful Death and Survival Statute. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges as follows:

- a. Plaintiff, Patrick Dennehy, Sr., brings this suit seeking every element of damages he is entitled to, including damages under the Wrongful Death Act and Survival Statute. TEX. CIV. PRAC. & REM. CODE §71.001, et seq., §71.021, et seq.
- b. Plaintiff, Patrick Dennehy, Sr., is the surviving natural father of Patrick Dennehy, Jr., Deceased, who died intestate.

IX. COUNT FIVE - VIOLATIONS OF THE TEXAS PENAL CODE

28. For various allegations of violations of the Texas Penal Code against each and every Defendant, Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges as follows:

- a. Defendants intentionally, knowingly and/or recklessly caused the death of Patrick Dennehy, Jr. These acts constitute a felony violation of Section 19.02 (Murder) of the Texas Penal Code.

X. EXEMPLARY DAMAGES

29. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein, and further alleges that each and every Defendant's conduct was of such extreme nature that Plaintiff is entitled to exemplary damages, for which he seeks recovery.

XI. DAMAGES APPLICABLE TO ALL COUNTS

30. Plaintiff incorporates by reference all preceding paragraphs as if fully stated here, and further alleges that he has suffered, sustained and incurred and will continue to suffer, sustain and incur the following damages and injuries, among others as follows:

- a. Physical pain, distress and mental anguish of Plaintiff in the past;
- b. In reasonable medical probability, physical pain, distress and mental anguish of Plaintiff in the future;
- c. Medical and counseling expenses of Plaintiff in the past;
- d. In reasonable medical probability, medical and counseling expenses of Plaintiff in the future;
- e. The loss of care, maintenance, services, support, consortium, companionship, and society which Plaintiff received prior to Decedent's injury and death;

Plaintiff requests a jury trial.

WHEREFORE, Plaintiff prays that Defendants be cited to appear and answer herein, and that, upon trial, Plaintiff have, among other things:

- a. judgment against Defendants for compensatory damages in excess of the minimum jurisdictional limits of the Court;
- b. judgment against Defendants for exemplary damages in excess of the minimum jurisdictional limits of the Court;
- b. pre-judgment interest in accordance with the law of Texas;
- c. post-judgment interest in accordance with the law of Texas;
- d. costs of court; and
- e. such other and further relief to which Plaintiff may be justly entitled to receive.

XII. REQUEST FOR DISCLOSURES

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within fifty days of the service of this request, the information or material described in Rule 194.2.

Respectfully submitted,

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