

CAUSE NO. \_\_\_\_\_

EUGENE GRIDNEV,  
INDIVIDUALLY AND AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF ANTON GRIDNEV

*Plaintiff,*

v.

SIGMA NU FRATERNITY INC.,  
AGGIE SIGMA CHI HOUSE CORP.,  
CHRISTIAN SANDFORD,  
MICHAEL FRYMIRE,  
TY ROBERTSON,  
SAMUEL PETERSON,  
MAXWELL GOLLOMP,  
JOHN CAIN,  
ZACHARY FARMER,  
COLE CHASE TEEL-JONGBLOED,  
ANDREW HYMAN,  
ALEXANDER HADDEN STATLER

*Defendants.*

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**Plaintiff's Original Petition**

Comes Now, Plaintiff Eugene Gridnev, individually, and as the personal representative of the Estate of Anton Gridnev (collectively "Plaintiffs") and complains of Sigma Nu Fraternity Inc., Aggie Sigma Chi House Corp., Christian Sanford, Michael Frymire, Ty Robertson, Samuel Peterson, Maxwell Gollomp, John Cain, Zachary Farmer, Cole Chase Teel-Jongbloed, Andrew Hyman, and Alexander Hadden Statler (collectively as "Defendants") and will show the Court the following:

**I.**

**Nature of Action**

1. This is a wrongful death and survival action against Sigma Nu and its members, individually, which on current information and belief, are responsible for the death of Anton

Gridnev due to their negligence and gross negligence. This is an action arising under the common law of the State of Texas.

## **II.**

### **Discovery**

2. Plaintiff intends to conduct discovery under Discovery Level 2 pursuant to Tex. R. Civ. P. 190.3.

## **III.**

### **Jurisdiction and Venue**

3. The Court has jurisdiction over this case because Plaintiffs seek damages well within the jurisdictional limits of the Court. Venue is proper in this Harris County because one or more Defendants were domiciled in this County at time of the incident that is the basis of this lawsuit. Tex. Civ. Prac. & Rem. Code 15.002.

## **IV.**

### **Parties**

4. Plaintiff the Estate of Anton Gridnev was a resident of Texas.

5. Plaintiff Eugene Gridnev is a Texas resident and the father of Anton Gridnev and the representative of his estate. He is a Plaintiff as a representative of Anton Gridnev's estate.

6. Defendant Sigma Nu Fraternity, Inc. has its principal place of business in Virginia but does a substantial amount of business in the state of Texas. Sigma Nu Fraternity, Inc. may be served through its registered agent, Bradley R Beacham, at 9 Lewis Street PO Box 1869 Lexington, Va 24450 or at its principal place of business at 500 Fraternity Row College Station, TX 77845.

7. Defendant Aggie Sigma Chi House Corp. is a Texas Corporation and may be served through its registered agent, John Akard Jr. at 13819 E. Cypress Forest Drive Houston, TX 77070.

8. Defendant Michael Frymire is a resident of the State of Texas and may be served with process at his domicile 3909 Hockaday Drive, Dallas, TX 75229-2725 or wherever he may be found.

9. Defendant Samuel Patterson is a resident of the State of Texas and may be served with process at his domicile 4410 Mystic Lane, Nacogdoches, TX 75963 or wherever he may be found.

10. Defendant Ty Robertson is a resident of the State of Texas and may be served with process at his domicile 3242 Golden Oaks Cir. Granbury, TX 76049-2982 or wherever he may be found.

11. Defendant Christian Sandford is a resident of the State of Texas and may be served with process at his domicile 11906 Supremo Street, Richmond, TX 77406 or wherever he may be found.

12. Defendant Zachary Farmer is a resident of the State of Texas and may be served with process at his domicile 27 Highview Cir., Denton, TX 76205-8523 or wherever he may be found.

13. Defendant Maxwell Gollomp is a resident of the State of Texas and may be served with process at his domicile 4517 Holly St., Bellaire, TX 77401-5802 or wherever he may be found.

14. Defendant John Cain is a resident of the State of Texas and may be served with process at his domicile 6305 Westcott St. Houston, TX 77007-2037 or wherever he may be found.

15. Defendant Andrew Hyman is a resident of the State of Texas and may be served with process at his domicile 10329 Epping Lane, Dallas, TX 75229-6307 or wherever he may be found.

16. Defendant Chase Cole Tell-Jongbloed is a resident of the State of Texas and may be served with process at his domicile 11903 Valley Vista Ct, Houston, TX 77077 or wherever he may be found.

17. Defendant Alexander Hadden Statler is a resident of the State of Texas and may be served with process at this domicile 1784 Sunflower Blf., New Braunfels, TX 78130 or wherever he may be found.

**V.**

**Facts**

18. Anton Gridnev enrolled at Texas A&M University student living in College Station, Texas. Anton was a member of the Sigma Nu Fraternity at Texas A&M University. On August 20, 2016, Anton attended an event hosted by Sigma Nu at the Sigma Nu house in College Station, Texas. Anton lost consciousness while the Sigma Nu event was ongoing and at the Sigma Nu House. Eventually, members of the fraternity noticed Anton's state and failed to respond to the situation in a timely manner. When the Sigma Nu members that were responsible for his safety noticed Anton's condition, they called the hospital instead of 911. The Sigma Nu members were instructed by hospital staff to call 911, but they chose not to. The Sigma Nu members responsible for Anton's safety remained at the Sigma Nu house

without calling 911 as instructed for a prolonged period of time. Eventually, 911 was called but it was too late for them to provide any help and Anton had already died. Anton was pronounced dead by emergency personnel.

## **VI.**

### **Causes of Action**

#### **A. *Negligence and Gross Negligence Claims***

19. Plaintiffs were injured because of Defendants' negligence, when Defendants negligently:

- a. Engaging, encouraging, and supporting other to engage members in activities constituting the Texas Penal Code;
- b. failing to warn Plaintiff of the dangerous conditions;
- c. failing to warn Plaintiff of known hazards;
- d. failing to warn Plaintiff of foreseeable hazards;
- e. failing to report violation of the policies, standards, bylaws, Constitution, rules and regulation of the Kappa Sigma Chapter of Sigma Nu.
- f. failing to guard against known hazards;
- g. failing to guard against foreseeable hazards;
- h. failing to exercise reasonable care to protect against known dangers;
- i. failing to exercise reasonable care to protect against foreseeable dangers;
- j. failing to report incidence of over intoxication to the appropriate agency;
- k. failing to supervise fraternity activities, members, and pledges;
- l. failing to educate fraternity members and pledges;
- m. creating an unreasonably dangerous condition and failing to properly render first aid and assistance;
- n. failing to promulgate national standards and to educate and to enforce its member chapters, members, and pledges and to enforce, national standards relative to the use and/or abuse of alcohol by fraternity members for fraternity purposes
- o. failing to properly and/or adequately supervise and control their respective agents, members, and/or guests to ensure Plaintiff was properly protected;
- p. failing to take reasonable and necessary precautions to prevent the risk of harm to Plaintiff;

- q. failing to render adequate and proper medical treatment;
- r. failing to timely report the incident; and
- s. all other acts deemed negligent and grossly negligent.

20. On balance, Defendants owed a duty consistent with the foregoing, and breached each of foregoing duties. These breaches were both the cause in fact and proximate cause of Plaintiff's injuries. As a result of Defendants' negligence, Plaintiff suffered severe physical and emotional injuries. Plaintiffs are entitled to recover for their injuries. Defendants' actions were done with a reckless disregard to a substantial risk of severe bodily injury. As such, Plaintiffs are entitled to exemplary damages.

21. Defendants are liable because their negligence and/or gross negligence proximately caused Plaintiff's injuries.

**B. Premises Liability**

22. Plaintiff repeats and realleges each allegation contained herein.

23. Defendants owned, occupied and/or controlled the area where Plaintiff was injured.

24. The condition of the area where Plaintiff was injured posed an unreasonable risk of harm, and Defendants' had actual knowledge or reasonably should have known of the unreasonably dangerous condition. Moreover, Plaintiff did not have actual knowledge of the unreasonably dangerous condition.

25. Plaintiff was an invitee who entered Defendants' premises with Defendants' knowledge and for Defendants' benefit. Defendants had a duty to either warn Plaintiff of this unreasonably dangerous condition, or make the unreasonably dangerous condition reasonably safe. Defendants breached this duty by failing to warn Plaintiff of any known unreasonably

dangerous condition and by failing to make the unreasonably dangerous condition reasonably safe.

26. Defendants' breaches of these duties proximately caused Plaintiff's injuries.

***C. Wrongful Death***

27. Plaintiff repeats and realleges each allegation contained herein.

28. As a wrongful death beneficiary, Eugene Gridnev, individually and as representative of the estate of Anton Gridnev, seeks to recover the damages available to him under Texas law. The Defendants had the above referenced duties. Defendants breached those duties and Defendants' breaches were the cause in fact and the proximate cause of Decedent's death and the Plaintiff's injuries. These acts of negligence and gross negligence also led to Plaintiff suffering severe injury. Plaintiff is now entitled to recover for her injuries, which give rise to both wrongful death and survival claims.

***D. Survival***

29. Plaintiff repeats and realleges each allegation contained herein.

30. As the personal representative of the Estate of Anton Gridnev, Eugene Gridnev seeks to recover damages for the survival action he is entitled to bring under Tex Civ. Prac. & Rem. Code §71.021. As a result of Defendants' negligence and gross negligence, Decedent suffered severe physical injuries that ultimately led to his death. The Defendants had the above referenced duties. Defendants breached those duties and Defendants' breaches were the cause in fact and the proximate cause of Decedent's death. Furthermore, Defendants' actions were done with reckless disregard to a substantial risk of severe bodily injury. As such, Plaintiff is entitled to exemplary damages on behalf of the estate of Decedent.

**VII.**

### **Damages**

31. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer severe and debilitating personal injuries, bodily injuries, physical impairment, disfigurement, loss of household services, pain, suffering, and mental anguish, and to incur the below damages. As required by Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs affirmatively state that they seek damages in excess of \$1,000,000.00, and pray for relief and judgment, as follows:

- Compensatory damages against Defendants;
- Actual damages;
- Consequential damages;
- Pain and suffering;
- Exemplary damages;
- Past and future mental anguish;
- Past and future impairment;
- Disfigurement;
- Past and future disfigurement;
- Interest on damages (pre- and post-judgment) in accordance with law;
- Plaintiff's reasonable attorneys' fees;
- Costs of court;
- Expert witness fees;
- Costs of copies of depositions; and
- Such other and further relief as the Court may deem just and proper.

### **VIII.**



**Jury Trial Demanded**

Plaintiff hereby demands a trial by jury.

**IX.**

**Prayer**

Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff have judgment against Defendants, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which they may show themselves justly entitled.

Respectfully Submitted,

ARNOLD & ITKIN LLP

/s/ Kurt Arnold

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Kurt B. Arnold  
SBN: 24036150  
[karnold@arnolditkin.com](mailto:karnold@arnolditkin.com)  
Caj D. Boatright  
SBN: 24036237  
[cboatright@arnolditkin.com](mailto:cboatright@arnolditkin.com)  
Alison Baimbridge  
SBN: 24040160  
[abaimbridge@arnolditkin.com](mailto:abaimbridge@arnolditkin.com)  
Roland T. Christensen  
SBN: 24101222  
[rchristensen@arnolditkin.com](mailto:rchristensen@arnolditkin.com)  
6009 Memorial Drive  
Houston, Texas 77007  
Tel: 713.222.3800  
Fax: 713.222.3850  
[e-service@arnolditkin.com](mailto:e-service@arnolditkin.com)

**ATTORNEYS FOR PLAINTIFF**