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Parents of Cal Poly student Carson Starkey sue over death of son in alleged hazing incident

National fraternity Sigma Alpha Epsilon and nine local members are named in alleged hazing

By Nick Wilson | nwilson@thetribunenews.com

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The parents of the Cal Poly fraternity pledge who died last year after an alleged hazing incident have filed a lawsuit against the Sigma Alpha Epsilon fraternity and nine of its members.

Carson Starkey's parents, Scott and Julia Starkey of Austin, Texas, filed the lawsuit Monday in San Luis Obispo Superior Court. It names the Illinois-based fraternity, its Cal Poly chapter, and Bennett Holden, Haithem Ibrahim, Zacary Ellis, Matt Silva, Russell Taylor, Ryan Taylor, Jamie Merkle, Christopher Perkins and Adam Marszal.

The Starkeys allege four counts of negligence and a violation of Matt's Law, a California law that allows for lawsuits when injuries or deaths result from hazing.

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No specific amount of money is being sought.

A civil filing such as the Starkeys' represents just one side in a dispute. Officials at the fraternity headquarters in Illinois couldn't be reached Tuesday afternoon.

Cal Poly was not named as a defendant in the suit, and the university has suspended SAE indefinitely; university officials say the fraternity likely will never return to campus.

The suit alleges that the fraternity should have taken "reasonable measures" to prevent excessive alcohol consumption.

The lawsuit also claims that fellow fraternity members failed to provide medical care for Starkey by neglecting to take him to the hospital.

Carson Starkey died of alcohol poisoning Dec. 2, 2008, hours after attending a

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“brown bag” event at 551 Highland Drive in San Luis Obispo in which pledges were assigned to drink specific amounts of

alcohol given to them by older fraternity members in a brown bag, the suit alleges.

Fraternity members were chanting “puke and rally” to urge pledges to drink excessively, the suit claims. Criminal cases against four SAE members — Ibrahim, Ellis, Marszal and Russell Taylor — allege they committed hazing and furnished alcohol to a minor. They each have pleaded not guilty.

In the civil case, the Starkey family is being represented by Doug Fierberg of the law firm Bode & Grenier in Washington, D.C., and Ivo Labar of the firm Kerr & Wagstaffe in San Francisco.

The firms have a history of filing lawsuits against fraternities for deaths and injuries caused by hazing and other misconduct, according to a news release.

In the court filing, no lawyers representing the defendants were named.

The lawsuit alleges that the fraternity-related death of Tyler Cross in 2006 at the University of Texas resulted in a \$16.2 million verdict against SAE.

Another death associated with SAE and relating to alcohol poisoning occurred in March at the University of Kansas, according to the court documents.

The Starkeys claim that the “Big Brother” fraternity ritual, in which older members assign tasks, including drinking, to younger members, is “particularly deadly because of the unavoidable association between belonging and finishing what has been provided.”

The Starkeys say they vow to make people nationwide aware of the dangers of fraternity-related misconduct and hazing.


“We will continue to honor Carson by doing everything we can to end widespread misconduct by fraternities,” Scott Starkey said in a statement. “By bringing this lawsuit, we hope to bring attention to the dangers of hazing, cause fundamental changes in fraternities, and prevent other families from suffering as we have.”

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rhodes wrote on 09/24/2009 01:14:10 PM:



AvilaBeachBum, the way not to blame the upper classmen is for Carson to tell them “no,” he’s not going to play. He was under no obligation or responsibility to act stupidly. It’s called the assumption of personal responsibility.

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AvilaBeachBum wrote on 09/23/2009 07:58:31 PM:

Let’s see we have a newby trying to rush a frat house and they tell him he has to drink to excess in order to be a member. How do you not blame the upper classmen who ordered this hazing. Please do not blame his parents, they were half a country apart trusting the institution in SLO to do the right thing and give there son a good education and social lessons that would last him a life time. Well I guess they did...

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rhodes wrote on 09/23/2009 06:45:44 PM:

Well, I guess we know that The Trib is not going to enforce its policy and is going to let anarchy prevail. So be it.

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ABC123 wrote on 09/23/2009 04:00:37 PM:

"Everyone, INCLUDING YOUNG CARSON, acted stupidly and I expect his peers have learned a lesson without lawyers or the law"

I have no doubt any lesson learned will be more vivid if a monetary judgement is found due to this suit, though I'm rather surprised the 2006 judgement against SAE didn't give them adequate incentive to better supervise their members.

It's not impossible the real goal is to bankrupt SAE.

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rhodes wrote on 09/23/2009 03:36:06 PM:

Thinker, I have clicked on "Report abuse" on your comment. Apparently, you have not read this site's instructions against personal attacks. I don't respect the families decision to bring lawyers into this. Everyone, INCLUDING YOUNG CARSON, acted stupidly and I expect his peers have learned a lesson without lawyers or the law. Why have you no compassion for his peers who must be freaked out by the incident?

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Thinker wrote on 09/23/2009 02:14:26 PM:

Quite the lesson you are handing out there, Rhodes. I feel badly for the family and respect their decision to hand out a lesson to Carson's peers. If THEY had been raised right, they would take care of a friend in need. Next time YOU need help, Rhodes, don't count on me you heartless scum.

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Dennis wrote on 09/23/2009 01:34:01 PM:

"The (law)firms have a history of filing lawsuits against fraternities for deaths and injuries caused by hazing and other misconduct, according to a news release."

My guess is that this family was contacted by the law firms.

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rhodes wrote on 09/23/2009 01:07:01 PM:

This family needs to get over this incident and accept responsibility for not preparing their son for the real world. If he had been raised right, he would have laughed at peer pressure and not be dead after engaging in "drinking games."

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