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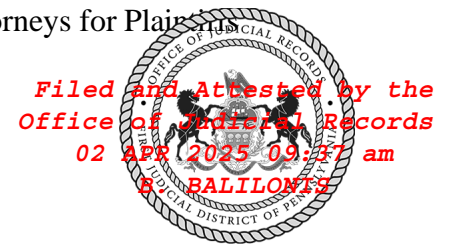
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CALVIN DICKEY, SR. AND NICOLE DICKEY,  
individually and as independent administrators of the  
Estate of Calvin Dickey, Jr., Deceased,

Plaintiffs,

v.

BUCKNELL UNIVERSITY, a Pennsylvania  
corporation;

and

JOHN BRAVMAN, an individual;

and

JERMAINE TRUAX, an individual;

and

TIM PAVLECHKO, an individual;

and

IAN WOOD, an individual;

COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

CIVIL ACTION - LAW

NO.

JURY TRIAL DEMANDED

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and  
DAVID CECCHINI, an individual  
and  
MARK KULBIS, an individual  
and  
DOES 1-25, inclusive,  
Defendants.

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## NOTICE TO PLEAD

### NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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CALVIN DICKEY, SR. AND NICOLE DICKEY,  
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corporation;

and

JOHN BRAVMAN, an individual;

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and DAVID CECCHINI, an individual and MARK KULBIS, an individual and DOES 1-25, inclusive, Defendants.	
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**I. INTRODUCTION.**

1. *“The good news is that rhabdomyolysis is 100% avoidable with appropriate training methods. Reasonable training includes workouts designed and supervised by a credentialed individual.”*<sup>1</sup> – National Federation of High Schools.

2. *“No sickle-trait athlete is ever disqualified, because simple precautions [to avoid rhabdomyolysis] seems to suffice.”*<sup>2</sup> – National Athletic Trainers Association.

3. On July 12, 2024, Calvin (“CJ”) Dickey suffered a horrific and painful death following his first day of football practice at Bucknell University. CJ’s death was completely avoidable. If Defendants had followed well-established, well-known practices to protect athletes who have sickle cell trait, CJ would still be alive today.

4. Eight months later, Bucknell refuses to acknowledge it caused CJ’s death, to apologize, or to institute processes and procedures to prevent a similar tragedy from happening again.

5. Focusing on donor relations and athlete recruitment instead of athlete safety, Bucknell

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<sup>1</sup> National Federal of State High School Associations, *How to Protect Athletes From Cases of Rhabdomyolysis* - <https://www.nfhs.org/articles/how-to-protect-athletes-from-cases-of-rhabdomyolysis/>.

<sup>2</sup> National Athletic Trainer’s Association, <https://www.nata.org/sites/default/files/sicklecelltraitandtheathlete.pdf>.

has sought only to keep secret the events that led to CJ's death.

## **II. THE PARTIES.**

6. Defendant, Bucknell University ("Bucknell") is a corporation organized under Pennsylvania law with its principal place of business being in Lewisburg, Pennsylvania.

7. Defendant Bucknell educates and actively recruits students from within the First Judicial District of Pennsylvania.

8. Defendant Bucknell educates and actively recruits athletes from within the First Judicial District of Pennsylvania.

9. Defendant Bucknell purposely avails itself of the benefits of the residents of the First Judicial District.

10. Defendant, John Bravman ("Bravman") is an individual currently residing in Lewisburg, Pennsylvania. He is currently employed by Defendant Bucknell as its President. At all times relevant herein, Bravman served in this capacity.

11. Defendant, Jermaine Truax ("Truax") is an individual currently residing in Lewisburg, Pennsylvania. He was previously employed by Defendant Bucknell as the school's Vice President and Director of Athletics & Recreation until March 13, 2024, when he was fired from that position. At all times relevant herein, Truax served in this capacity.

12. Defendant, Tim Pavlechko ("Pavlechko") is an individual currently residing in Lewisburg, Pennsylvania. He is currently employed by Defendant Bucknell as its Interim Vice President and Director of Athletics & Recreation, following the firing of Defendant Truax. At all times relevant herein, Pavlechko served as the Deputy Director of Athletics.

13. Defendant, Ian Wood ("Wood") is an individual currently residing in Lewisburg, Pennsylvania. He is currently employed by Defendant Bucknell as Associate Director of Athletics, Sports Medicine. At all times relevant herein, Wood served in this capacity.

14. Defendant, David Cecchini ("Cecchini") is an individual currently residing in

Lewisburg, Pennsylvania. He is currently employed by Defendant Bucknell as Head Football Coach. At all times relevant herein, Cecchini served in this capacity.

15. Defendant, Mark Kulbis (“Kulbis”) is an individual currently residing in Lewisburg, Pennsylvania. He was previously employed by Defendant Bucknell as the Strength and Conditioning Coach. At all times relevant herein, Kulbis served in this capacity.

16. Prior to his untimely death, CJ Dickey was a freshman at Bucknell. He was a resident of Florida.

17. Plaintiff, Calvin Dickey, Sr. is an individual residing in the State of Florida. He is the father of the late CJ Dickey and has assumed the role of co-administrator of his son’s estate.

18. Plaintiff, Nicole Dickey is an individual residing in the State of Florida. She is the mother of the late CJ Dickey and has assumed the role of co-administrator of her son’s estate.

19. Plaintiffs are unaware of the true names and capacities of DOES 1 through 25, inclusive, and therefore sue these defendants by such fictitious names. Plaintiffs will amend this Complaint to show the true names and capacities of such fictitiously named defendants when the same have been ascertained or upon proof at trial. Plaintiffs are informed and believe, and based thereon allege herein and/or are jointly and severally liable for the debts and obligations of the other defendants.

20. At all relevant times, each of the Defendants, were the employees, agents, and/or apparent agents of Defendant Bucknell, and in engaging in the conduct alleged in this Complaint, acted within the scope of their employment, agency, or apparent agency.

21. Venue in this Court is proper pursuant to *Pa.R.C.P. 2179(a)(2)*.

22. Defendant Bucknell regularly conducts business in Philadelphia County sufficient for jurisdiction to reside in this Court.

23. Defendants market, advertise, target, recruit, accept, and currently enroll students, including student-athletes, who reside in Philadelphia County.

24. Defendants currently have multiple recruited football players on their football team who reside in Philadelphia County and who previously attended Philadelphia County high schools.

25. Defendant Bucknell's other athletic programs also roster individuals who are residents of Philadelphia County and who have also come from Philadelphia County high schools.

26. Upon information and belief, Defendants travel to Philadelphia County to target and recruit the aforementioned student-athletes.

27. Further, Defendant Bucknell maintains contractual relationships with the Community College of Philadelphia. Specifically, the Bucknell Community College Scholars Program (BCCSP) provides financial and administrative support to Community College of Philadelphia graduates to earn a bachelor's degree at Bucknell University.

28. Additionally, Defendant Bucknell has established relationships with Philadelphia County and the City of Philadelphia where Bucknell works to schedule, plan, coordinate, and host events.

29. Accordingly, venue in Philadelphia County is appropriate.

### **III. CALVIN DICKEY, SR. AND NICOLE DICKEY.**

30. In the fall of 1988, Calvin Dickey, Sr. ("Calvin Sr.") enrolled at Tallahassee Community College.

31. In 1988, Nicole Dickey ("Nicole") enrolled as a freshman at Florida A&M University.

32. The first week of school their freshman year, Calvin Sr. met Nicole. It was love at first sight. They were sweethearts for the entire four years of college.

33. Calvin Sr. obtained his degree at Florida State University. Nicole earned her degree from Florida A&M University.

34. In 1995 Calvin Sr. and Nicole married.

35. Calvin Sr. and Nicole struggled to have a child.

36. Calvin Sr. and Nicole sought assistance from numerous specialized medical/fertility

experts and physicians. They attempted in-vitro fertilization three times. None of these attempts were successful.

37. In 2004, after leaving a doctor's office following a miscarriage, Nicole sat on the curb weeping. She looked to the sky and asked God to help her find peace. It was at that moment that Nicole realized that she needed to adopt a child.

38. After speaking with Calvin Sr., they agreed that they would find happiness in adopting a child.

39. Calvin Sr. and Nicole's prayers were answered when they adopted Patrice Dickey ("Patrice"). Patrice brought great joy to Calvin Sr. and Nicole's life. Patrice was born on September 25, 2004.

40. Around three months later, Nicole discovered that she was pregnant with CJ. Nicole and Calvin Sr. were overwhelmed with joy.

41. CJ was born on September 26, 2005, 366 days after his sister, Patrice.

#### **IV. CJ DICKEY.**

42. Calvin Sr. and Nicole were blessed beyond measure. They had a beautiful daughter in Patrice. They had a wonderful son in CJ.

43. Both of their children excelled in school and in extracurricular activities.

44. From a very young age, it was apparent that CJ would always be the biggest kid in the class.

45. However, it became apparent that CJ was a "gentle giant." He was always nice to everyone. Affable and friendly, CJ never used his size to bully. Instead, he protected the smaller kids in the class.

46. CJ was a bundle of energy at a young age. CJ was actively involved in karate, where he received his brown belt. He played basketball during middle school. But his biggest love as a child was playing baseball.



47. Starting out in little league, CJ thrived. At age seven, CJ was invited to join a travel baseball team. Throughout the year, CJ would travel around the country playing in highly competitive baseball tournaments.

48. On one Sunday afternoon, CJ hit five home runs in one tournament. Two in each of the first two games and one in the semifinal game.

49. For nearly 10 years, baseball became the focus of the Dickey family vacations. The family would venture across the country to watch CJ's heroes play in the major leagues. They spent one vacation in Anaheim to watch Angels player Mike Trout play, and took other trips to watch CJ's childhood hero, Mookie Betts.

50. For their part, Calvin Sr., Nicole, and Patrice loved to sit in the stands and watch CJ play. To them, nothing was better than spending the weekend rooting for CJ.

51. When it came time for high school, CJ enrolled at Land O'Lakes High School. CJ continued playing baseball but then discovered his passion for football. CJ was a starter on the Land O'Lakes Varsity Football Team.

52. CJ was also an outstanding student. He did so well that he decided to transfer to the most academically challenging school in Tampa, Carrollwood Day School. CJ became an honor

53. student. He continued playing baseball and football, playing both sides of the ball on the football field. He was popular and well-liked.

54. CJ was so well respected by his teammates that in his senior year, he was voted to serve as a team captain.

55. When the time for college came, CJ's outstanding athleticism did not go unnoticed. He received multiple Division I football scholarship offers. He was highly recruited, not just because of his athletic prowess, but also because of his accomplishments in the classroom. Coaches saw his transcripts reflecting a 3.8 grade point average. It was difficult to find athletes of CJ's caliber who were so well accomplished in the classroom and who had such a solid work ethic on field. CJ was

known by his coaches for having a strong work ethic and a sense of accountability. As his Offensive Line Coach eulogized him, CJ would always say, “I Got You Coach.”

56. CJ loved math and science and wanted to become a pharmacist.

57. Defendant Bucknell aggressively recruited CJ. CJ found that Bucknell did not have a pharmacy program, which was a disappointment to him. It was, however, a college with a stellar academic reputation that would offer CJ life-long opportunities and professional connections. After much reflection, CJ committed to Bucknell and applied to its College of Arts and Science.

58. CJ was excited to become a Bison and for the future that lay ahead of him.

**V. “RHABDO.”**

59. To understand the horrific, avoidable death that CJ would soon endure, one must understand the connection between sickle cell trait, rhabdomyolysis, the universally adopted protocols for protecting athletes with sickle cell trait, and the consequences of failing to abide by those protocols.

60. For over 50 years, it has been well known that those with sickle cell trait are more susceptible to rhabdomyolysis or “Rhabdo” than the general population.<sup>3</sup>

61. The United States Military has tied sickle cell trait to sudden death during recruit basic training. Recruits with sickle cell trait were found to be 30 times more likely to die during basic training. The main cause of death was rhabdomyolysis. The risk of exertional rhabdomyolysis is about 200 times greater for those with sickle cell trait.<sup>4</sup>

62. The correlation between sickle cell trait and rhabdomyolysis is so prevalent that all branches of the United States Military have adopted similar sickle cell testing requirements for new

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<sup>3</sup> See Orthopedic Journal of Sports Medicine, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7444123/>.

<sup>4</sup> See National Federation of State High School Associations, <https://www.nfhs.org/articles/how-to-protect-athletes-from-cases-of-rhabdomyolysis/>.

recruits.

63. For the same reasons, in 2010, the NCAA began mandating sickle cell testing for all Division I, II, and III football players prior to taking the field.

64. A number of well-respected medical journals and other prominent authorities have concluded that sickle related rhabdomyolysis is completely preventable.<sup>5</sup>

65. Organizations such as the National Athletic Trainers Association have come up with precautions and treatment guidelines to prevent rhabdomyolysis in athletes with sickle cell trait. All of these organizations recognize that an athlete with sickle cell trait should never be pushed to exertion on the first day of practice. The National Association of Athletic Trainers found that “[i]f sickle cell trait athletes set their own pace, they seem to do fine.”<sup>6</sup>

66. The National Collegiate Athletic Association (“NCAA”) has issued a medical manual for all trainers and coaches. Guideline 2R of the *NCAA Medical Manual* deals specifically with the topic: “The Student-Athlete With Sickle Cell Trait.” The guideline states as follows: “Precautions can enable the student-athlete with sickle cell trait to thrive in sport.”

67. The *NCAA Medical Manual* sets forth the following precautions:

- Student athletes should, “set their own pace.” Student athletes should engage in a slow and gradual preseason conditioning regimen to be prepared for sports-specific performance testing and the rigors of competitive intercollegiate athletics.
- Build up slowly while training (*e.g.*, paced progressions).
- Use adequate rest and recovery between repetitions, especially during

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<sup>5</sup> See National Federation of State High School Associations, <https://www.nfhs.org/articles/how-to-protect-athletes-from-cases-of-rhabdomyolysis/>.

<sup>6</sup> See National Athletic Trainers Association, “Consensus Statement: Sickle Cell Trait and the Athlete,” <https://www.nata.org/sites/files/sicklecelltraitandtheathlete.pdf>.

“gassers” and intense station or mat drills.

- Not be urged to perform all out exertion of any kind beyond 2-3 minutes without a breather.
- Be excused from performance tests such as serial sprints or timed miles, especially if these are not normal sports activities.

68. The NCAA publishes and distributes to all coaches a document entitled “A Fact Sheet For Coaches – Sickle Cell Trait.”<sup>7</sup> When discussing the “role of the coaching staff,” the publication states: “An important note to head coaches and their staff is that the incidents of sudden death in athletes with sickle cell trait have been exclusive to conditioning sessions rather than game or skill practice sessions.” Coaches are warned that athletes with sickle cell trait, “can begin to experience symptoms after only 1-3 minutes of sprinting, or in any other full exertion or sustained effort, thus quickly increasing the risk of complications.” Coaches are warned that athletes with sickle cell trait should:

- Slowly build up their intensity while training.
- Be allowed to set their own pace while conditioning.
- Be provided adequate rest and recovery between repetitions, especially during “gassers” and intense station or “mat” drills.
- Stop activity immediately upon struggling or experiencing symptoms such as muscle pain, abnormal weakness, undue fatigue or breathlessness.

69. Other college football programs have instituted extensive precautions for athletes who possess the sickle cell trait. These precautions include mandating that sickle trait positive athletes be readily identifiable through means such as wearing different colored helmets, arm bands, or jerseys. The entire training and coaching staff are briefed daily about which athletes possess the sickle cell

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<sup>7</sup> See [https://ncaaorg.s3.amazonaws.com/ssi/other/SSI\\_NCAASickleCellTraitforCoaches.pdf](https://ncaaorg.s3.amazonaws.com/ssi/other/SSI_NCAASickleCellTraitforCoaches.pdf)

trait. Athletes who are positive for carrying the sickle cell trait are closely monitored and excluded from drills where they could be endangering themselves through excess exertion.

70. In the words of one prominent NCAA Division I head football coach, the entire athletic program needs to create “a culture of protecting athletes with sickle cell trait.”

## **VI. BUCKNELL’S BROKEN ATHLETICS PROGRAM.**

71. In 2014, the Patriot League began offering scholarships to football players. This put significant financial pressure on the Bucknell Athletic Department.

72. In 2024, Bucknell opened the Pascucci Team Center. This state-of-the-art athletic facility was years in the making.

73. Unfortunately, fundraising efforts for the Pascucci Center fell short of expectations. Further, the project suffered from cost overruns. In 2024, the Bucknell athletic program was in financial trouble.

74. President Bravman ordered deep cuts in the Bucknell Athletic Department.

75. In response, Truax, Pavlechko, Wood and Ceccini cut medical treatment and prevention services for student-athletes, and several athletic trainer positions. Bravman approved.

## **VII. CJ REPORTS TO FOOTBALL CAMP AT BUCKNELL**

76. Throughout his senior year in high school, CJ worked hard to keep himself in shape so that he could excel once he started playing football at Bucknell.

77. On June 18, 2024, CJ’s pediatrician completed his mandatory physical examination.

78. On June 28, 2024, CJ completed the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait.

79. CJ’s medical records were uploaded electronically to Defendant Bucknell’s medical reporting platform before the July 1, 2024 due date.

80. On July 5, 2024, CJ received his Meningococcal B vaccine results, which were also submitted to the school. This completed the submission of all required medical and physical records

required by Bucknell.

81. Two weeks prior to CJ reporting to Bucknell, trainer Rayna Murphy called Nicole Dickey to discuss CJ's positive sickle cell trait test. Nicole was assured that adequate precautions would be taken to accommodate this condition.

82. In short, Defendant Bucknell's coaching and training staff had CJ's medical records and ultimately cleared him to play. They were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him.

83. On July 8, 2024, Calvin Sr., Nicole, Patrice, and CJ traveled to Lewisburg, Pennsylvania to move CJ into his dorm room.

84. On July 9, 2023, Calvin Sr. met with Sean Pearson, who served as CJ's offensive line coach. Calvin Sr. wanted to make sure that his son would be safe at Bucknell. During the 45-minute conversation, Pearson assured Calvin Sr., that he and the rest of the coaching staff would protect CJ.

85. Throughout the rest of that same day, Calvin Sr., Nicole and Patrice helped move CJ into his dorm room. Football practice was to start the next day. At the end of moving CJ into his dorm room, he told his mother that he did not want to stay in the dorms that evening. He preferred to be with his family for one more night and ended up sleeping in their hotel room.

### **VIII. THE FIRST DAY OF PRACTICE.**

86. The next day, CJ reported to Bucknell football. At 11:00 a.m., he was scheduled to attend a team meeting. At noon, he was scheduled to meet with the medical staff. At 1:00 p.m., the athletes were put through a "walkthrough" practice outdoors. At 3:30 p.m., the freshmen were to report to the Pascucci Team Center gym for a light workout with no weights. The players were told that the workout would just involve teaching lifting techniques.

87. At about 3:20 p.m., Nicole received a phone call from CJ. He was distraught because he and nine other players had not been cleared to attend the 3:30 p.m. workout.

88. Around 20 minutes later, CJ called his mother to tell her that all the players had been cleared and that everything was fine.

**IX. CJ IS HOSPITALIZED.**

89. Less than two hours later, at 5:16 p.m., Bucknell Athletic Trainer Kaiti Hager telephoned Calvin Sr., and Nicole to tell them that CJ had collapsed and was being treated at Evangelical Community Hospital in Lewisburg. Calvin Sr. and Nicole immediately rushed to the hospital.

90. Upon arrival, Calvin Sr. and Nicole immediately went to see CJ in the emergency room. CJ was short of breath and repeatedly asking for water. He told his parents he had passed out. CJ said that he was embarrassed that he passed out on the first day of practice.

91. Calvin Sr. and Nicole asked CJ what he was doing when he passed out. CJ told his parents that some of the freshmen had “messed up” on some drills. As punishment, the coach made all the freshmen perform “up-downs.” Up-downs are an exercise also known as “burpees” whereby the player must jump to the ground face down and then bring his body back up to a vertical position over and over. This type of exercise is known to cause over-exertion and is specifically to be avoided by sickle-cell positive athletes early in the training program.

92. Calvin Sr. and Nicole conferred with the emergency room doctor. He informed them that it appeared CJ was suffering from rhabdomyolysis and acute kidney injury (AKI). His kidneys had stopped producing urine and stopped filtering waste. The doctor thought he might already have liver damage as well. The doctor indicated that CJ needed to get to a trauma center as soon as possible. The doctor stated that he had tried to arrange for a life flight helicopter, but that it was impossible due to stormy weather. CJ was placed in an ambulance for a 40-minute ride to Geisinger Medical Center.

93. Nicole accompanied CJ in the ambulance. CJ became agitated and kept asking for water. The doctors could not allow his thirst to be alleviated in case he needed surgery.

94. Geisinger Medical Center immediately admitted CJ and had him examined by a team of doctors. After the examination, several of the doctors spoke with Calvin Sr. and Nicole. Some of them seemed immediately pessimistic about CJ's prognosis.

95. CJ was suffering greatly. He had an unquenchable thirst. He had such severe diarrhea that his buttocks became chaffed. He was put on dialysis, intravenous liquids, and pain and blood pressure medicines.

96. The next day, Thursday, CJ's health condition deteriorated still further. CJ went into convulsions, was projectile vomiting, and was suffering uncontrollable bouts of diarrhea. Towards the end of the day, he became combative and disoriented and did not recognize his own parents.

97. The following day, Friday, a surgeon rushed into the room and indicated that Calvin Sr. and Nicole needed to immediately sign paperwork so that CJ could receive emergency surgery. The surgeon explained that the right side of CJ's body was suffering from compartmentalization, a process where pressure rises in compartments in the limbs containing muscles, nerves, and blood vessels. If left untreated, permanent injury can result. Amputation can be required.

98. CJ was rushed into surgery. Surgeons immediately performed a fasciotomy, a surgical procedure that involves cutting the fascia—the connective tissue that surrounds the muscle. The procedure requires the surgeon to make deep cuts into the skin and muscle to relieve the pressure. It is unbelievably painful.

99. When done, one of the surgeons informed Calvin Sr. and Nicole that CJ's heart had stopped, leading Calvin Sr. and Nicole to believe that CJ had died. A second surgeon clarified

100. that the doctors had been able to revive him. Success was fleeting—CJ's heart stopped again as he was being transferred from surgery to his hospital room. Again, the doctors revived him.

101. As the evening wore on, CJ's condition got progressively worse. His heart stopped two more times, and the medical staff had to resuscitate him.

102. It would get worse. That evening, the surgeon returned and found that the left side of



CJ's body had now become compartmentalized. He ordered surgical instruments to be delivered to CJ's hospital room immediately, as there was no time to get CJ to an operating room. CJ would have surgery without anesthesia.

103. Just before the surgeon was about to start cutting into CJ's limbs, in front of his mother and father, CJ went into cardiac arrest again—for at least the fifth time. Multiple medical staff came into the room to try to save CJ.

104. Calvin Sr. and Nicole were forced to watch while doctors climbed on top of CJ to compress his chest and intubate him with oxygen. Doctors attempted to resuscitate him with an automated external defibrillator. Each time the AED was used, CJ's body would jump several inches off the bed.

105. After 20 to 30 minutes, Calvin Sr. and Nicole were informed that CJ had gone into cardiac arrest approximately four more times. One of the doctors explained that CJ's chances of living were very slim and inquired whether or not they should stop further efforts to resuscitate him.

106. After watching CJ being shocked repeated times and watching doctors attempt chest compressions, intubation, etc., Calvin Sr. and Nicole made the most difficult decision of their lives. They told the doctors to stop trying to resuscitate CJ and let him go back to God in peace.

107. CJ died soon thereafter. His hospital room was in total disarray, his bed sheets were soaked with blood. A cousin who had traveled from Texas that day and CJ's mother, Nicole, found clean blankets to cover CJ's body to allow for his family to have their last visit. Patrice was the last one in the room to say her final goodbyes to her brother.

108. This was the saddest day of Calvin Sr. and Nicole's lives. A day they could never have fathomed they would experience.

109. It turns out that while CJ Dickey lay dying at Geisinger, President Bravman was there. Bravman sent a text to Bucknell football coaches telling them that he was there for routine medical tests and that he "might" stop by and visit with Calvin Sr. and Nicole. Despite being in the very same

building, Bravman could not muster the courage nor the decency to console the parents of a dying Bucknell student-athlete.

110. Showing cowardice rather than leadership, he instead sent Calvin Sr. a text:

*Sir, this is John Bravman, Bucknell President. I'm on sabbatical until August 1 but I have been apprised of your son's situation. I'm very sorry for you and all of yours. I know many on my team have been with you, but I wanted to add my support.*

*I'm on the Geisinger Board and have just stepped away from the chairmanship. I have informed the CEO and CMO of your son's situation.*

*Please let me know if there is anything I can do.*

*I am a scientist but also a man of faith; I have been praying for young Calvin.*

*Yours truly,*

*John*

## **X. THE AFTERMATH.**

111. Following CJ's death, Calvin Sr. texted Bucknell's President John Bravman, Head Coach Cecchini, Chief Medical Officer Catherine O'Neil, Trainer Kaiti Hager, and Bucknell Athletic Director Truax to inform them of CJ's death.

112. Truax contacted Calvin Sr. and asked if he could share the news of CJ's passing and if there was anything that they could do for the family. Calvin Sr. asked if they could come back to campus to retrieve CJ's personal belongings from his dorm. Truax indicated that there would be an investigation and that the school would return the items after they had surveyed his room.

113. President Bravman responded to the text with his condolences. Defendant Bucknell posted a communication indicating that they were mourning the loss of CJ on the Bucknell Instagram page on July 12, 2024. On July 13, 2024, a communication was sent to Bucknell students, parents, and faculty to advise them of CJ's passing and offering grief counseling. CJ's parents were not included on the distribution list. To date, no one from Defendant Bucknell has contacted the parents to provide the details of the events that lead to CJ's death.

114. Plaintiffs have repeatedly asked Defendant Bucknell to provide information concerning how CJ died. At every turn, Defendant Bucknell has refused, and has directed its coaches, staff members and players to refuse to provide Calvin Sr. and Nicole any information about the death of their son.

115. What has emerged from other sources is that it is an annual rite of passage for the freshman athletes to be compelled, with reckless indifference to the health and well-being of the freshman athletes, to perform intense, rigorous exercises that more senior players are not required to perform. No purpose is served other than gratuitous cruelty. No freshman athlete is exempt in direct violation of the NCAA guidelines. Each must perform or be benched or cut. For CJ, that proved fatal. Kulbis and the other Defendants call this “setting the tone” with the freshman football players.

116. Defendants Bravman, Truax, Pavlechko Wood and Cecchini were well aware of Kulbis’ practice of cruelly abusing freshman players on the first day of practice. Each of these Defendants approved of and condoned Kulbis’ reckless conduct.

117. Students who were present at the workout have reported that CJ was clearly in distress during the 100 up-downs. He was falling behind the rest of the group and could not keep up. The other freshman players were cheering on CJ and trying to motivate him. The freshman players could tell that CJ was in distress but Kulbis did nothing. Instead of telling CJ to sit it out, he pushed him on.

118. NCAA by-laws require the presence of a certified athletic trainer at all football workouts and practices, whether on or off the field.

119. Because Bucknell had cut athletic trainer positions, no trainer was present at the workout downs.

120. Had football Athletic Trainer Kaiti Hager been present for the workout where CJ collapsed, it is highly likely CJ would be alive today. Like Kulbis, she was well aware of CJ’s sickle cell trait diagnosis. Unlike Kulbis, she cared. Had she been there, in all likelihood she would have

stepped in to keep CJ safe from his reckless abuse.

121. The NCAA requires college sports facilities to have an Emergency Action Plan (“EAP”). This is a plan of action designed to respond to medical situations like the one that befell CJ. The NCAA further requires that the EAP be repeatedly rehearsed by all coaches, trainers and university employees.

122. Because Bucknell cut the budget, the Pascucci Center did not have the required EAP. Nor was any such plan ever rehearsed.

123. With no plan in place, and no plan having been practice, the belated response to CJ’s collapse was chaotic.

124. The lack of an EAP caused confusion and delay in providing assistance to CJ.

125. Following the death of CJ, Truax refused to make any changes to Bucknell’s policies and procedures for dealing with sickle cell trait positive athletes. In conversations with coaches, Truax stated that he would not make any changes until he reviewed CJ’s autopsy report. Truax said that he wanted to, “make sure the kid was not on drugs” before making any policy changes. Apparently, President Bravman agreed with this reprehensible position.

126. For his part in the death of CJ, Kulbis received no sanction or punishment from Bucknell.

127. Inevitably, three months after the death of CJ, another freshman offensive lineman suffered rhabdomyolysis following one of Kulbis’ abusive conditioning sessions. That player survived but suffered serious injury.

128. Still, Bucknell did nothing. Eventually, the NCAA stepped in, suspending Kubis for requiring injured players to continue working out, despite NCAA by-laws specifically prohibit this.

129. In late February of 2025, President Bravman nominated Truax for “Patriot League Athletic Director of the Year.”

130. In a sudden about face, on March 14, 2025, President Bravman fired Truax.

131. Just the week prior to the filing of this complaint, President Bravman sent an email to Bucknell employees explaining Truax's termination. Bravman declared that the Bucknell athletic department had, "lost its way" and that it needed to concentrate on "athlete wellness." Unfortunately, Bravman's actions were far too little, far too late.

**XI. BUCKNELL REFUSES TO PROVIDE CJ'S PARENTS WITH THE FACTS SURROUNDING CJ'S DEATH.**

132. Calvin Sr. and Nicole Dickey have pleaded with Bucknell to provide the facts surrounding CJ's death.

133. At first, Bucknell representatives stated that CJ's death was "under investigation" and the facts would be provided "after the investigation has been completed."

134. Following the investigation, Bucknell offered to provide a limited version of the facts only if Calvin Sr. and Nicole agreed to sign a confidentiality and non-disclosure agreement.

135. Calvin Sr. and Nicole agreed to sign such an agreement, but Bucknell refused to provide a complete set of facts regarding the death of CJ.

136. Bucknell is doing everything it can to hide the truth from not only Calvin Sr. and Nicole, but from the entire world. This complete lack of transparency is what has led to the filing of this lawsuit.

137. Every night, Calvin Sr. and Nicole lay awake wondering what happened to their beloved CJ.

138. Bucknell's lack of transparency in dealing with the grieving parents of CJ Dickey is beyond reprehensible – it is cruel and it is despicable.

139. As a direct and proximate result of Defendants' negligent, careless, and/or reckless acts, Plaintiffs suffered one or more of the following injuries:

- a. pain and suffering;
- b. pre-incident fright;

- c. embarrassment and humiliation;
- d. death, mental anguish, loss of life's pleasures;
- e. lost earning capacity;  
funeral expenses;
- f. loss of services, society, comfort, companionship, all damages allowable under the *Survival Act*, 42 Pa.C.S.A. § 8302,
- g. all damages allowable under the applicable *Rules of Civil Procedure* and the decisional law interpreting the *Survival Act*, including the total estimated future earning power less the cost of personal maintenance, and/or pain and suffering endured by CJ Dickey prior to his death, including but not limited to, physical pain and suffering, mental pain and suffering,

### **FIRST CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

140. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

141. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 Pa.C.S.A. § 8302, and the applicable Rules of Civil Procedure and decisional law.

142. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Bucknell received the results.

143. Defendant Bucknell's coaching and training staff were well aware CJ carried the

sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. Pearson, an assistant coach, assured Calvin Sr. that he and the rest of the coaching staff would protect CJ.

144. Defendant Bucknell, through its recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

145. Defendant Bucknell breached its duty of care by requiring CJ to engage in an extended practice drill at the Bucknell football team practice that posed an unreasonable risk of harm to CJ in light of his sickle trait diagnosis, particularly on his first day of practice.

146. In light of Defendant Bucknell's knowledge of CJ's condition and the well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Bucknell's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless. Indeed, Defendant Bucknell knew or should have known of the danger to CJ if he was required to engage in extended up-down drills with his sickle trait condition or should have known that harm was reasonably certain to occur. Nonetheless, Defendant Bucknell negligently and/or intentionally, or recklessly required CJ to perform the dangerous drill in conscious disregard of the likelihood of harm to CJ.

147. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that

the procedures be rehearsed at least annually. Defendant Bucknell did none of this, all in breach of its duty of care to CJ.

148. Defendant Bucknell's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

149. Moreover, given its knowledge of the dangers of sickle cell trait, Defendant Bucknell knew or should have known that its actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Bucknell negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

150. As a result of Defendant Bucknell's negligent and/or intentional or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

151. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

152. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

153. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience



endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

154. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

155. The conduct of Defendant Bucknell was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Bucknell in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

## **SECOND CAUSE OF ACTION**

### **(Survival Claim For Negligence Per Se Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

156. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

157. 18 Pa. C.S. §§ 2802 et seq. defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

158. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to

the health and safety of the minor or student[.]” and is a third-degree felony. 18 Pa. C.S. § 2803. “Organizational” and “institutional” hazing occur when an organization or institution “intentionally, knowingly or recklessly promotes or facilitates” hazing or aggravated hazing. Id. §§ 2804, 2805.

159. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

160. Given Defendant Bucknell’s knowledge of CJ’s condition, Defendant Bucknell acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines, and by intentionally, knowingly, and recklessly promoting or facilitating the same. On its own, and especially in light of CJ’s condition, the NCAA’s guidelines, and the standard of care followed by other universities for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

161. Defendant Bucknell’s conduct violated, among other things, Pennsylvania’s antihazing statutes, including 18 Pa. C.S. §§ 2802, 2803, 2804, and 2805. Defendant Bucknell’s conduct was negligence per se.

162. As a proximate result of Defendant Bucknell’s conduct, Plaintiffs, in their capacity as administrators and executors of CJ’s estate, are entitled to damages, including, but not limited to, damages for CJ’s pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

163. The conduct of Defendant Bucknell was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and showed reckless indifference to the interests of CJ. As a result of Defendant Bucknell’s conduct, Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of

CJ Dickey, demand all damages recoverable under the *Pennsylvania Survival Act* against Defendant Bucknell in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **THIRD CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against Defendant Bravman) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

164. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

165. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival Action on behalf of CJ Dickey under and by virtue of 42 Pa.C.S.A. § 8302, and the applicable Rules of Civil Procedure and decisional law.

166. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Bravman, oversaw the administration of organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ.

167. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Bravman oversaw this process.

168. Bucknell's coaching and training staff and employees, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. In his role with Bucknell, Bravman was charged with overseeing this process.

169. Defendants, including Defendant Bravman, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise

reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

170. In light of Defendant Bravman's failure to monitor and further well- established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Bravman's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless.

171. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Bravman did none of this and failed to make sure that such procedures existed.

172. Defendant Bravman's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

173. Defendant Bravman knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Bravman negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

174. As a result of Defendant Bravman's negligent and/or intentional, or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

175. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

176. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

177. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

178. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

179. The conduct of Defendant Bravman was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Bravman in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

#### **FOURTH CAUSE OF ACTION**

**(Survival Claim For Negligence Per Se Against Defendant Bravman) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

180. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

181. 18 Pa. C.S. §§ 2802 et seq. defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

182. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]” and is a third-degree felony. 18 Pa. C.S. § 2803.

183. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

184. Given Defendant Bravman’s oversight of Bucknell’s Athletic Department, Defendant Bravman acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ’s condition, the NCAA’s guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

185. Defendant Bravman’s conduct violated, among other things, Pennsylvania’s antihazing statutes, including 18 Pa. C.S. §§ 2802 and 2803. Defendant Bravman’s conduct was negligence per se.

186. As a proximate result of Defendant Bravman’s conduct, Plaintiffs, in their capacity as administrators and executors of CJ’s estate, are entitled to damages, including, but not limited to,

damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

187. The conduct of Defendant Bravman was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Bravman in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **FIFTH CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against Defendant Truax) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

188. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

189. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 Pa.C.S.A. §8302, and the applicable *Rules of Civil Procedure* and decisional law.

190. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Truax, oversaw the administration of organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ.

191. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Truax oversaw this process.

192. Bucknell's coaching and training staff and employees, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. In his role with Bucknell, Truax was charged with overseeing this process.

193. Defendants, including Truax, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

194. In light of Defendant Truax's failure to monitor and further well- established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Truax's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless.

195. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Truax did none of this and failed to make sure that such procedures existed.

196. Defendant Truax's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

197. Defendant Truax knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ.



Nonetheless, Defendant Truax negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

198. As a result of Defendant Truax's negligent and/or intentional, or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

199. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

200. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

201. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

202. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

203. The conduct of Defendant Truax was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Truax in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **SIXTH CAUSE OF ACTION**

#### **(Survival Claim For Negligence Per Se Against Defendant Truax) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

204. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

205. 18 *Pa. C.S.* §§ 2802 *et seq.* defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

206. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]” and is a third-degree felony. 18 *Pa. C.S.* § 2803.

207. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

208. Given Defendant Truax’s oversight of Bucknell’s Athletic Department, Defendant Truax acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ’s condition, the NCAA’s guidelines, and the standard of care followed by

other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

209. Defendant Truax's conduct violated, among other things, Pennsylvania's anti-hazing statutes, including 18 *Pa. C.S.* §§ 2802 and 2803. Defendant Truax's conduct was negligence per se.

210. As a proximate result of Defendant Truax's conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

211. The conduct of Defendant Truax was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Truax in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

#### **SEVENTH CAUSE OF ACTION**

##### **(Survival Claim For Common Law Negligence Against Defendant Pavlechko) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

212. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

213. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 *Pa.C.S.A.* § 8302, and the applicable *Rules of Civil Procedure* and decisional law.

214. As alleged above, Defendant Bucknell and its employees recruited CJ for its football

team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Pavlechko, oversaw the administration of organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ.

215. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Pavlechko oversaw this process.

216. Bucknell's coaching and training staff and employees, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. In his role with Bucknell, Pavlechko was charged with overseeing this process.

217. Defendants, including Defendant Pavlechko, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

218. In light of Defendant Pavlechko's failure to monitor and further well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Pavlechko's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless.

219. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Pavlechko did none of this and failed to

make sure that such procedures existed.

220. Defendant Pavlechko's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

221. Defendant Pavlechko knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Pavlechko negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

222. As a result of Defendant Pavlechko's negligent and/or intentional, or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

223. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

224. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

225. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

226. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

227. The conduct of Defendant Pavlechko was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Pavlechko in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **EIGHTH CAUSE OF ACTION**

#### **(Survival Claim For Negligence Per Se Against Defendant Pavlechko) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

228. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

229. 18 *Pa. C.S.* §§ 2802 *et seq.* defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

230. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]” and is a third-degree felony. 18 *Pa. C.S.* § 2803.

231. As alleged above, upon information and belief, it is a ritual at Bucknell to break down

the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

232. Given Defendant Pavlechko's oversight of Bucknell's Athletic Department, Defendant Pavlechko acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ's condition, the NCAA's guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

233. Defendant Pavlechko's conduct violated, among other things, Pennsylvania's antihazing statutes, including 18 *Pa. C.S.* §§ 2802 and 2803. Defendant Pavlechko's conduct was negligence per se.

234. As a proximate result of Defendant Pavlechko's conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

235. The conduct of Defendant Pavlechko was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Pavlechko in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **NINTH CAUSE OF ACTION**

**(Survival Claim For Common Law Negligence Against Defendant Wood) Plaintiffs  
Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

236. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

237. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 *Pa.C.S.A.* §8302, and the applicable *Rules of Civil Procedure* and decisional law.

238. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Wood, oversaw the administration of organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ.

239. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Wood oversaw this process.

240. Bucknell's coaching and training staff and employees, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. In his role with Bucknell, Wood was charged with overseeing this process.

241. Defendants, including Defendant Wood, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

242. In light of Defendant Wood's failure to monitor and further well-established



guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Wood's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless.

243. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Wood did none of this and failed to make sure that such procedures existed.

244. Defendant Wood's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

245. Defendant Wood knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Wood negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

246. As a result of Defendant Wood's negligent and/or intentional, or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

247. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and

Social Security income, until death.

248. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

249. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

250. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

251. The conduct of Defendant Wood was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Wood in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

#### **TENTH CAUSE OF ACTION**

##### **(Survival Claim For Negligence Per Se Against Defendant Wood) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

252. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

253. 18 Pa. C.S. §§ 2802 *et seq.* defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating,

admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student."

254. "Aggravated hazing" occurs when a violation of section 2802 "results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]" and is a third-degree felony. 18 *Pa. C.S.* § 2803.

255. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

256. Given Defendant Wood's oversight of Bucknell's Athletic Department, Defendant Wood acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ's condition, the NCAA's guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

257. Defendant Wood's conduct violated, among other things, Pennsylvania's antihazing statutes, including 18 *Pa. C.S.* §§ 2802 and 2803. Defendant Wood's conduct was negligence per se.

258. As a proximate result of Defendant Wood's conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

259. The conduct of Defendant Wood was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference

to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Wood in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **ELEVENTH CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against Defendant Cecchini) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

260. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

261. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 Pa.C.S.A. §8302, and the applicable Rules of Civil Procedure and decisional law.

262. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Cecchini, organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Bucknell and its employees, including Defendant Cecchini, received the results.

263. Bucknell's coaching and training staff, including Defendant Cecchini, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. Pearson, an assistant coach, assured Calvin Sr. that Pearson and the rest of the coaching staff would protect CJ.

264. Defendants, including Defendant Cecchini, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

265. Defendant Cecchini breached his duty of care by requiring or allowing CJ to engage in an extended practice drill at the Bucknell football team practice that posed an unreasonable risk of harm to CJ in light of his sickle trait diagnosis, particularly on his first day of practice.

266. In light of Defendant Cecchini's knowledge of CJ's condition and the well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Cecchini's conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless. Indeed, Defendant Cecchini knew or should have known of the danger to CJ if he was required to engage in extended up-down drills with his sickle trait condition or should have known that harm was reasonably certain to occur. Nonetheless, Defendant Cecchini negligently and/or intentionally, or recklessly required or allowed CJ to perform the dangerous drill in conscious disregard of the likelihood of harm to CJ.

267. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Cecchini did none of this.

268. Defendant Cecchini's conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

269. Defendant Cecchini knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that

required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Cecchini negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

270. As a result of Defendant Cecchini's negligent and/or intentional, or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

271. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

272. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

273. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

274. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

275. The conduct of Defendant Cecchini was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference

to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Cecchini in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

## **TWELFTH CAUSE OF ACTION**

### **(Survival Claim For Negligence Per Se Against Defendant Cecchini) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

276. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

277. 18 Pa. C.S. §§ 2802 *et seq.* defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

278. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]” and is a third-degree felony. 18 Pa. C.S. § 2803.

279. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

280. Given Defendant Cecchini’s knowledge of CJ’s condition, Defendant Cecchini acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially

in light of CJ's condition, the NCAA's guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

281. Defendant Cecchini's conduct violated, among other things, Pennsylvania's antihazing statutes, including *18 Pa. C.S. §§ 2802 and 2803*. Defendant Cecchini's conduct was negligence per se.

282. As a proximate result of Defendant Cecchini's conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

283. The conduct of Defendant Cecchini was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Cecchini in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **THIRTEENTH CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against Defendant Kulbis) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

284. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

285. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 *Pa.C.S.A.*



286. § 8302, and the applicable *Rules of Civil Procedure* and decisional law.

287. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including Defendant Kulbis, organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Bucknell and its employees, including Defendant Kulbis, received the results.

288. Defendant Bucknell's coaching and training staff, including Defendant Kulbis, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records and knew of his condition, and approved the records and cleared CJ to play. Pearson, an assistant coach, assured Calvin Sr. that Pearson and the rest of the coaching staff would protect CJ.

289. Defendants, including Defendant Kulbis, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

290. Defendant Kulbis breached his duty of care by requiring or allowing CJ to engage in an extended practice drill at the Bucknell football team practice that posed an unreasonable risk of harm to CJ in light of his sickle trait diagnosis, particularly on his first day of practice.

291. In light of Defendant Kulbis' knowledge of CJ's condition and the well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendant Kulbis' conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but

was reckless. Indeed, Defendant Kulbis knew or should have known of the danger to CJ if he was required to engage in extended up-down drills with his sickle trait condition or should have known that harm was reasonably certain to occur. Nonetheless, Defendant Kulbis negligently, intentionally, or recklessly required or allowed CJ to perform the dangerous drill in conscious disregard of the likelihood of harm to CJ.

292. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendant Kulbis did none of this.

293. Defendant Kulbis' conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

294. Defendant Kulbis knew or should have known that his actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Kulbis negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

295. As a result of Defendant Kulbis' negligent and/or intentional or reckless conduct, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

296. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and

Social Security income, until death.

297. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

298. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

299. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

300. The conduct of Defendant Kulbis was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Kulbis in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

#### **FOURTEENTH CAUSE OF ACTION**

##### **(Survival Claim For Negligence Per Se Against Defendant Kulbis) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

301. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

302. 18 Pa. C.S. §§ 2802 et seq. defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating,

admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student."

303. "Aggravated hazing" occurs when a violation of section 2802 "results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]" and is a third-degree felony. 18 Pa. C.S. § 2803.

304. As alleged above, upon information and belief, it is a ritual at Bucknell to break down the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

305. Given Defendant Kulbis' knowledge of CJ's condition, Defendant Kulbis acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ's condition, the NCAA's guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

306. Defendant Kulbis' conduct violated, among other things, Pennsylvania's antihazing statutes, including 18 Pa. C.S. §§ 2802 and 2803. Defendant Kulbis' conduct was negligence per se.

307. As a proximate result of Defendant Kulbis' conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

308. The conduct of Defendant Kulbis was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference

to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendant Kulbis in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **FIFTEENTH CAUSE OF ACTION**

#### **(Survival Claim For Common Law Negligence Against DOES 1 through 25) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

309. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

310. Plaintiffs Calvin Sr. and Nicole Dickey, Administrators of the Estate of CJ Dickey, deceased, bring this Survival action on behalf of CJ Dickey under and by virtue of 42 Pa.C.S.A. § 8302, and the applicable Rules of Civil Procedure and decisional law.

311. As alleged above, Defendant Bucknell and its employees recruited CJ for its football team, resulting in CJ enrolling at Bucknell and joining the team. Defendants, including DOES 1 through 25, organized health examinations, practices, and other training for Bucknell's football team and athletes, including CJ. As part of pre-training testing, Defendant Bucknell required CJ to submit to the NCAA-mandated sickle cell testing, which revealed he had sickle cell trait. Defendant Bucknell and its employees, including Defendants DOES 1 through 25, received the results.

312. Defendant Bucknell's coaching and training staff, including Defendants DOES 1 through 25, were well aware CJ carried the sickle cell trait and knew that it could lead to life-threatening outcomes if widely known and well-established protocols were not implemented for him. Among other indicia of their knowledge, as alleged above, Defendant Bucknell had CJ's medical records, knew of his condition, and cleared CJ to play. Pearson, an assistant coach, assured Calvin Sr. that Pearson and the rest of the coaching staff would protect CJ.

313. Defendants, including Defendants DOES 1 through 25, through their recruiting, testing, and coaching of CJ, and other affirmative conduct described above, assumed a duty to CJ to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities, which in CJ's case, included making sure CJ did not engage in dangerous practice drills for athletes with sickle cell trait.

314. Defendants DOES 1 through 25 breached their duty of care by requiring or allowing CJ to engage in an extended practice drill at the Bucknell football team practice that posed an unreasonable risk of harm to CJ in light of his sickle trait diagnosis, particularly on his first day of practice.

315. In light of the knowledge of Defendants DOES 1 through 25 of CJ's condition and the well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, the conduct of Defendants DOES 1 through 25 was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but was reckless. Indeed, Defendants DOES 1 through 25 knew or should have known of the danger to CJ if he was required to engage in extended up- down drills with his sickle trait condition or should have known that harm was reasonably certain to occur. Nonetheless, Defendants DOES 1 through 25 negligently and/or intentionally, or recklessly required or allowed CJ to perform the dangerous drill in conscious disregard of the likelihood of harm to CJ.

316. As alleged above, NCAA protocols also require that athletes with sickle cell trait be observed every few minutes during exercise to ensure that symptoms of rhabdo are not developing. Those same protocols also require that a treatment plan be in place in case of an emergency, and that the procedures be rehearsed at least annually. Defendants DOES 1 through 25 did none of this.

317. The conduct of Defendants DOES 1 through 25 alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

318. Defendants DOES 1 through 25 knew or should have known that their actions would

create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendants DOES 1 through 25 negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented.

319. As a result of the negligent and/or intentional, or reckless conduct of Defendants DOES 1 through 25, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

313. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

320. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

321. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

322. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the

Act.

323. The conduct of Defendants DOES 1 through 25 was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendants DOES 1 through 25 in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **SIXTEENTH CAUSE OF ACTION**

#### **(Survival Claim For Negligence Per Se Against Defendants DOES 1 through 25) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

324. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

325. 18 Pa. C.S. §§ 2802 et seq. defines hazing, in part, as follows: “A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, for the purpose of continuing or enhancing a minor or student’s membership or status in an organization, causes, coerces or forces a minor student to . . . [e]ndure brutality of a physical nature, including . . . calisthenics [, or] [e]ndure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.”

326. “Aggravated hazing” occurs when a violation of section 2802 “results in serious bodily injury or death to the minor and student and [] the person acts with reckless indifference to the health and safety of the minor or student[,]” and is a third-degree felony. 18 Pa. C.S. § 2803. “Organizational” and “institutional” hazing occur when an organization or institution “intentionally, knowingly or recklessly promotes or facilitates” hazing or aggravated hazing. Id. §§ 2804, 2805.

327. As alleged above, upon information and belief, it is a ritual at Bucknell to break down



the freshmen on the first day of practice, not as part of reasonable and customary training, but as a part of an unnecessary ritual of initiation imposed only upon freshmen athletes.

328. Given the knowledge of Defendants DOES 1 through 25 of CJ's condition, they acted with reckless indifference to his health and safety by causing, coercing, or forcing him to participate in the initiation ritual of pointless, unnecessary yet brutal exercise routines. On its own, and especially in light of CJ's condition, the NCAA's guidelines, and the standard of care followed by other athletic coaches for sickle trait athletes, the activity did not constitute reasonable or customary athletic training.

329. The conduct of Defendants DOES 1 through 25 violated, among other things, Pennsylvania's antihazing statutes, including 18 Pa. C.S. §§ 2802, 2803, 2804, and 2805. The conduct of Defendants DOES 1 through 25 was negligence per se.

330. As a proximate result of the conduct of Defendants DOES 1 through 25, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

331. The conduct of Defendants DOES 1 through 25 was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against Defendants DOES 1 through 25 in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

#### **SEVENTEENTH CAUSE OF ACTION**

**(Survival Claim For Vicarious Liability Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

332. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

333. Under Pennsylvania law, a principal is legally responsible for negligent and wrongful conduct of its employees and/or agents or others under its control.

334. Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25, were either under the control of Defendant Bucknell and/or employees or agents at the time of the above-alleged negligent and wrongful conduct, and such conduct was part of their jobs and was done within the scope of their employment.

335. Defendant Bucknell is therefore vicariously liable for the negligence of Defendants, Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25, alleged above.

336. Such conduct alleged above was the proximate cause of CJ's damages, including his egregious suffering and, ultimately, his death.

337. Moreover, given its knowledge of the dangers of sickle cell trait, Defendant Bucknell knew or should have known that its actions would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent that harm, including modified and tailored practice procedures for CJ. Nonetheless, Defendant Bucknell negligently and/or intentionally, or recklessly, failed to take the steps necessary to make sure those special precautions were implemented through Defendants, Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25.

338. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators and Executors of the Estate of CJ Dickey, are entitled to damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses,

including medical expenses, and for his lost earnings, all in an amount to be proved at trial.

339. As a result of the death of CJ, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs Calvin Sr. and Nicole Dickey, as the Administrators of the Estate of CJ Dickey, claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his death, including all loss of income, earnings, retirement income and benefits and Social Security income, until death.

340. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim under the Survival Act, damages for embarrassment, disfigurement, humiliation, and mental anguish.

341. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim, under the Survival Act, damages for conscious pain and suffering, and inconvenience endured by CJ prior to his death, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to his death.

342. Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, further claim the full measure of damages under the Survival Act and decisional law interpreting the Act.

343. The conduct of Defendant Bucknell and its employees was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and showed reckless indifference to the interests of CJ. The actions of Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25 , and Does 1 through 25 occurred during and within the scope of their employment and respective duties, and their actions were not committed to satisfy their personal ill will or malice, but instead were committed with the intent to further Defendant Bucknell's interests. As a result of the conduct of Defendant Bucknell and its employees, Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of

CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **EIGHTEENTH CAUSE OF ACTION**

#### **(Survival Claim For Negligent Hiring, Retaining, and Supervising Employees Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey as Administrators of the Estate of CJ Dickey**

344. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

345. Defendant Bucknell had a duty to use reasonable care in hiring, retaining, and supervising those under its control including the employees and agents who would be in charge of CJ's well-being while participating in the school's football program so as not to create an unreasonable risk of harm to him.

346. Defendant Bucknell failed to exercise the required level of care. Defendant Bucknell knew or should have known that the individual defendants they placed in charge of CJ's well-being while were unqualified, that they had failed to follow prudent, well-recognized protocols, had subjected other athletes to dangerous conditions, had engaged in the hazing of freshmen players for years, caused other injuries through their recklessness, and so on.

347. Hiring and retaining unqualified personnel and placing them in charge of CJ's well-being and then failing to properly supervise them while knowing of CJ's sickle trait diagnosis caused CJ to suffer unimaginable pain and suffering, and ultimately caused his death. Defendant Bucknell knew or should have known that its employees and agents could not subject CJ to the type of exercise that ultimately led to his injuries and death in light of his sickle trait diagnosis.

348. To the extent Defendant Bucknell did not provide additional supervision, direction, and control of its employees and agents with regard to CJ and his sickle trait diagnosis and how his

training and practices should be handled and modified, Defendant Bucknell further breached its duty to use reasonable care to supervise, direct, and control the work of its employees and agents, which created an unreasonable risk of harm to CJ and ultimately led to his death.

314. As a proximate result of Defendant Bucknell's conduct, Plaintiffs, in their capacity as administrators and executors of CJ's estate, are entitled to an award of damages, including, but not limited to, damages for CJ's pain and suffering, the loss of the opportunity to live his life and enjoy the pleasures of life, for expenses, including medical expenses, and for his lost earnings, all in an amount to be proved at trial. the conduct of Defendant Bucknell was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, as Administrators of the Estate of CJ Dickey, demand all damages recoverable under the Pennsylvania Survival Act against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **NINETEENTH CAUSE OF ACTION**

#### **(Intentional Infliction of Emotional Distress – Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey individually**

349. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

350. As alleged above, despite conducting an investigation, and despite repeated requests by the Dickeyes, Defendant Bucknell has refused to tell Calvin Sr. and Nicole what led to the death of their son and has directed its coaches and staff to provide no such information as well. Defendant Bucknell has done so intentionally, for no other reason than to protect its own interests. In doing so, Defendant Bucknell has intentionally and/or recklessly caused severe emotional distress to Calvin

Sr. and Nicole.

351. Following CJ's death, Calvin Sr. and Nicole have been plagued with grief, anger, worry, and uncertainty without knowing the full story about why their son is no longer with them. They have suffered from nausea, headaches, insomnia, nightmares, flashbacks, and other ailments as a result of the severe emotional distress caused by Defendant Bucknell's cruel stonewalling.

352. Defendant Bucknell's intentional and/or reckless conduct has been extreme and outrageous and has caused severe emotional distress and bodily harm to Calvin Sr., and Nicole.

353. As a result of Defendant Bucknell's conduct, Calvin Sr. and Nicole are entitled to damages in an amount to be proved at trial.

354. The conduct of Defendant Bucknell was outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of Calvin Sr. and Nicole. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, demand all damages recoverable against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **TWENTIETH CAUSE OF ACTION**

#### **(Negligent Infliction of Emotional Distress – Against All Defendants) Plaintiffs Calvin Sr., and Nicole Dickey individually**

355. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

356. As alleged above, Defendants, through their recruitment, testing, and coaching of CJ for its football team, and other affirmative conduct described above, including assurances to Calvin Sr. through the coaching staff that they would protect CJ, assumed a duty to exercise reasonable care to protect CJ's health and safety against an unreasonable risk of harm in connection with football activities. In this case, that included making sure CJ did not engage in practice drills known to be

dangerous for athletes with sickle cell trait, checking his condition regularly during exercise and having a protocol in place in case of an emergency.

357. Defendants breached their duty of care by requiring CJ to engage in a rigorous, extended exercise regimen on the first day of practice without checking regularly on his condition, without having a protocol in place in case of an emergency, and in failing to properly respond to his observed collapse. Those failings alone and together posed an unreasonable risk of harm to CJ and ultimately caused his death.

358. In light of Defendants' knowledge of CJ's condition and the well-established guidelines and protocols for those with sickle cell trait warning against such drills for an athlete like CJ, Defendants' conduct was not only negligent, intentional, and/or grossly negligent in that it significantly departed from how a reasonably careful person would act under the circumstances, but reckless, and reflective of a conscious disregard for CJ's interests. Defendants knew or should have known of the danger to CJ if he was required to engage in extended up-down drills with his sickle trait condition or should have known that harm was reasonably certain to occur. Nonetheless, Defendants intentionally required CJ to perform the prohibited drill in conscious disregard of the likelihood of harm to CJ.

359. Moreover, given its knowledge of the dangers of sickle cell trait, Defendant Bucknell knew or should have known that the actions of Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25 would create a peculiar or special risk of physical harm to CJ and others on the football team with sickle cell trait that required special precautions to prevent, including modified practice procedures. Defendant Bucknell failed to ensure the required precautions were implemented.

360. Defendants' conduct was the proximate cause of CJ's damages, including his egregious suffering, cardiac arrest, and ultimately his death.

361. Defendants' conduct also caused unimaginable emotional suffering for CJ's parents,

Calvin Sr., and Nicole, who witnessed CJ's cardiac arrest and his brutal, agonizing death, and ultimately lost their child.

362. The great shock and trauma of watching CJ's suffering, cardiac arrest, attempts to revive him, and their son's ultimate tragic death caused severe mental and emotional distress to Calvin Sr. and Nicole. Among other things, Calvin Sr. and Nicole suffered and continue to suffer from physical manifestations of emotion suffering, including depression, headaches, nausea, nightmares, stress, anxiety, panic attacks, loss of appetite, and the like. These damages to Calvin Sr. and Nicole, CJ's parents, were reasonably foreseeable to Defendants.

363. As a result of Defendants' conduct, Calvin Sr. and Nicole are entitled to damages in an amount to be proved at trial.

364. The conduct of Defendants was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and/or showed reckless indifference to the interests of CJ and his parents. The actions of Defendants Bravman, Truax, Pavlechko, Wood, Cecchini Kulbis and Does 1 through 25 occurred during and within the scope of their employment and respective duties, and their actions were not committed to satisfy their personal ill will or malice, but instead were committed with the intent to further Defendant Bucknell's interests. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, demand all damages recoverable against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

### **TWENTY-FIRST CAUSE OF ACTION**

**(Common Law Negligence Against Defendant Bucknell) Plaintiffs Calvin Sr., and Nicole Dickey individually**

365. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.



366. In addition to Plaintiffs' entitlement to relief as observers of their son's suffering and death resulting from Defendants' negligence, Plaintiffs are also entitled to recover damages against Defendant Bucknell as a result of Defendant Bucknell's conduct following CJ's death.

367. Defendant Bucknell assumed responsibility for the care and well-being of CJ, the minor son of Calvin Sr. and Nicole. Through its affirmative acts, including through recruiting CJ onto the team and telling Calvin Sr. and Nicole that it would investigate CJ's death, Defendant Bucknell assumed a duty of care toward Calvin Sr. and Nicole to act in a reasonable manner and to tell the Dickeyes what happened to cause their son to suffer a brutal yet entirely avoidable death.

368. Defendant Bucknell breached that duty. As alleged above, despite conducting an investigation, and despite repeated requests by the Dickeyes, Defendant Bucknell has refused to tell Calvin Sr. and Nicole what caused the death of their son, and has directed its employees to share no such information with them. Defendant Bucknell has done so intentionally, for no other reason than to protect its own interests. In doing so, Defendant Bucknell breached its duty of care to Calvin Sr., and Nicole, and intentionally, recklessly and at minimum with gross negligence, caused severe emotional distress to them.

369. Following CJ's death, Calvin Sr. and Nicole have been plagued with grief, anger, worry, and uncertainty without knowing the full story about why their son is no longer with them. They have suffered from nausea, headaches, insomnia, nightmares, flashbacks, and other ailments as a result of the severe emotional distress caused by Defendant Bucknell's cruel stonewalling.

370. Calvin Sr. and Nicole have also suffered economic loss as a result of Defendant Bucknell's conduct.

371. As a result of this negligent and/or intentional, or reckless conduct by Defendant Bucknell, Calvin Sr. and Nicole are entitled to damages in an amount to be proved at trial.

372. The conduct of Defendant Bucknell was negligent, intentional and/or reckless or outrageous in that it was malicious, wanton, willful, oppressive, showed reckless indifference, or was

grossly negligent with respect to the interests of Calvin Sr., and Nicole. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs Calvin Sr. and Nicole Dickey, demand all damages recoverable against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages.

## **TWENTY-SECOND CAUSE OF ACTION**

### **(Wrongful Death – Against All Defendants) All Plaintiffs**

373. Plaintiffs repeat and reallege each of the preceding paragraphs as though fully set forth in this cause of action.

374. Plaintiffs Calvin Sr. and Nicole Dickey, individually and as individual Administrators of the Estate of CJ Dickey, bring this action on behalf of themselves and the beneficiaries under and by virtue of the Wrongful Death Act, Pa.C.S.A. §8301, and the applicable Rules of Civil Procedure and decisional law.

375. As a direct and proximate result of the acts and omissions of Defendants, as set forth herein, CJ suffered grave injuries and death on July 12, 2024, resulting in the entitlement to damages by CJ's beneficiaries under the Wrongful Death Act.

376. Plaintiffs claim damages for all administrators' expenses recoverable under the Wrongful Death Act, including, but not limited to, damages for funeral and burial expenses, and expenses of administration necessitated by reason of the injuries causing CJ's death.

377. As a proximate result off the conduct of Defendants and the resulting death of CJ, Plaintiffs have suffered damages in an amount to be proved at trial.

378. Plaintiffs claim damages for loss of monetary support that CJ would have provided to Plaintiffs and the beneficiaries of CJ's Estate during his lifetime, including, but not limited to earnings, maintenance, support, and other similar losses recognized under the Wrongful Death Act

that they would have received from him for the rest of CJ's natural life.

379. Plaintiffs claim under the Wrongful Death Act, damages for services provided or which could have been expected to have been performed in the future by CJ.

380. Plaintiffs claim damages under the Wrongful Death Act for all pecuniary losses suffered by themselves and beneficiaries of the Estate of CJ.

381. Plaintiffs claim, on behalf of themselves and the beneficiaries of the Estate of CJ, damages for emotional and profound loss, and other similar losses recognized under the Wrongful Death Act.

382. Plaintiffs claim, on behalf of themselves and the beneficiaries of the Estate of CJ, damages under the Wrongful Death Act for the loss of companionship, services, comfort, society, guidance, solace, and protection of CJ.

383. Plaintiffs claim, on behalf of themselves and the beneficiaries of the Estate of CJ, damages under the Wrongful Death Act, and the full measure of damages allowed under the law and under the categories of administrator's expenses, support, and services as defined by the laws of the Commonwealth of Pennsylvania.

384. As to CJ, and in relation to the claims held by Plaintiffs, the conduct of Defendants was negligent and/or intentional, reckless and/or outrageous in that it was malicious, wanton, willful, oppressive, and showed reckless indifference to his interests. Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiffs demand all damages recoverable under the Pennsylvania Wrongful Death Act against all Defendants in an amount in excess of the local arbitration rules, exclusive of delay damages, prejudgment interest, post-judgment interest, costs, and punitive damages mental suffering, loss of life's pleasures, disfigurement and humiliation; and all damages allowable under the Wrongful Death Act, 42 PA.A.C.S.A. § 8301, the applicable *Rules of Civil Procedure* and all decisional law interpreting the Wrongful Death Act, including damages for medical, funeral, and

burial expenses, expenses of administration, monetary support CJ Dickey would have provided during his lifetime, the value of services provided or which could have been expected to have been performed in the future by CJ Dickey, and all pecuniary losses suffered as a result of CJ Dickey's death.

DATED: April 2, 2025

PRICE CASPINO LLP

By:



Cathleen Kelly Rebar  
Attorneys for Plaintiffs