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Civil Action – Complaint

INTRODUCTION

1. Arya Singh (“Arya”) was a University of Pennsylvania freshman nursing student who was sexually assaulted on-campus by another student in the spring 2011 semester. For a period of time after, Arya’s sexual assaulter was permitted to remain in the same campus dormitory as her. The University eventually investigated the assault and permitted the assaulter to remain on campus with no punishment. Three months after Arya’s sexual assault but prior to the conclusion of the University’s investigation, the University received notification from the United States Department of Education’s Office for Civil Rights in a letter titled “Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts.” The letter expressly informed the University and its administration that “victims of sexual assault are more likely to have academic issues, abuse alcohol and drugs, suffer from depression and post-traumatic stress disorder and **contemplate suicide**” (emphasis added). As outlined in detail below, over the next two years Arya’s conduct would mirror the warnings contained in the Dear Colleague Letter – she suffered from depression, exhibited avoidant behavior and withdrawal from academic engagement, her grades and attendance were poor, she was arrested and hospitalized for alcohol intoxication, and she was the subject of multiple academic and misconduct investigations by the University. Arya had a variety of ongoing problems of which the University professors, police department, administrators and staff were well-aware, or should have been, but failed to adequately address. Despite Arya’s problems, University employees’ conduct toward her was unsympathetic, hostile, and at times, vindictive. Further, University employees never contacted Arya’s parents or sister regarding any of her emotional, academic or financial issues.

2. As a result of an academic misconduct investigation in the fall 2012 semester, the University imposed a disciplinary hold on Arya's account. Arya remained a student at the University but the disciplinary hold prevented her from being able to register for classes for the spring 2013 semester. Arya requested and the University scheduled a disciplinary hearing to address the misconduct charges against her; the hearing was scheduled for February 8, 2013. However, prior to the hearing the University placed Arya on a mandatory leave of absence and told her she must vacate campus housing because she had not registered for classes for the spring 2013 semester. Despite Arya's request that she be permitted to remain on-campus pending her disciplinary hearing and resolution of the investigation, on February 8, 2013 a University employee told Arya in-person that she had to leave University housing. Within hours, Arya committed suicide in her dormitory room by ingesting soluble cyanide salts. The soluble cyanide salts, a banned lethal substance in the United States, was offered and sold in the United States by Amazon and/or a third-party seller (Thailand Defendants) to Arya through Amazon's website.

PARTIES

3. Plaintiff Sujata Singh, Administratrix of the Estate of Arya Singh, deceased, was and is a citizen of the Commonwealth of Pennsylvania residing at 10 High Saddle Ln., Allentown, PA 18104.

4. Letters of Administration were issued to Sujata Singh, Arya's mother, on March 8, 2013.

5. Defendant Amazon.com, Inc. is a corporation that regularly conducts business in the city and county of Philadelphia, and maintains an office at 410 Terry Avenue North, Seattle, WA 98109.

6. Defendant Amazon Fulfillment Services, Inc. is a corporation that regularly conducts business in the city and county of Philadelphia, and maintains an office at 410 Terry Avenue North, Seattle, WA 98109.

7. Defendant Amazon Web Services, Inc. is a corporation that regularly conducts business in the city and county of Philadelphia, and maintains an office at 1200 12th Avenue South, Suite 1200, Seattle, WA 98144.

8. Defendant Amazon Services, LLC is a limited liability company that regularly conducts business in the city and county of Philadelphia and maintains an office at 8329 West Sunset Road, Suite 220, Las Vegas, NV 89113.

9. Defendants Amazon.com, Inc., Amazon Fulfillment Services, Inc., Amazon Web Services, Inc. and Amazon Services, LLC are collectively referred to as “Amazon.”

10. At all times relevant herein, Amazon acted through its respective agents, officers and employees, who in turn were acting within the scope of their authority and employment in furtherance of the business of Amazon.

11. At all times relevant herein, Amazon’s officers, executives, directors, program administrators, senior management team and all other individuals and/or entities responsible for the establishment, oversight and operations of Amazon’s facilities and website and that were responsible for the hiring, training, supervision and retention of Amazon’s employees and/or staff working therein, were the agents, servants, employees and/or ostensible agents of Amazon.

12. Defendant Preeda Palakawong is a citizen of Thailand residing at 14 Takham 28 Sundam, Bang Khun Thian, Bangkok, Thailand 10150.

13. Defendant Preeda Palakawong d/b/a Teaybkk is a citizen of Thailand residing at 14 Takham 28 Sundam, Bang Khun Thian, Bangkok, Thailand 10150.

14. Upon information and belief, Defendant GMO Internet, Inc. d/b/a Onamae.com is a company that regularly conducts business in the city and county of Philadelphia and maintains an office at 14 Takham 28 Sundam, Bang Khun Thian, Bangkok, Thailand 10150.

15. At all times relevant herein, Defendant Preeda Palakawong acted within the scope of his authority and employment as an agent, officer and employee of Defendant GMO Internet, Inc. d/b/a Onamae.com.

16. At all times relevant herein, Defendant GMO Internet, Inc. d/b/a Onamae.com acted through its respective agents, officers and employees, who in turn were acting within the scope of their authority and employment in furtherance of the business of Defendant GMO Internet, Inc. d/b/a Onamae.com.

17. Defendants Preeda Palakawong, Preeda Palakawong d/b/a Teaybkk and GMO Internet, Inc. d/b/a Onamae.com are collectively referred to as the “Thailand Defendants.”

18. At all times relevant herein, Defendant Trustees of the University of Pennsylvania d/b/a University of Pennsylvania and d/b/a University of Pennsylvania Health System a/k/a Penn Medicine (“Trustees”) is a non-profit business entity organized and existing under the laws of the Commonwealth of Pennsylvania that owns, operates, controls and maintains a university, dormitories, police department and mental health care system and network of hospitals, medical practices, clinics, physicians, and employees and oversees administrators, employees, physicians, nurses and staff who oversee students and practice mental health care and medicine therein.

19. At all times relevant herein, Trustees acted through their respective agents, officers, administrators and employees, who in turn were acting within the scope of their authority and employment in furtherance of the business of Trustees. These agents, officers, administrators and employees include but are not limited to: Melinda DeLisle, Andrew Chalfen, Susan Herron,

Kristen Olsen, Ann O'Sullivan, Noelle Melartin, Kristen A. Hickerson, Christina Clark, Adam Sherr, Sharon Smith, Paige Wigginton, Jessica Mertz, Nina Harris, Dr. Scottie Reeves, Ryan Keytak, Michelle Majeski, Christina Costanza Clark, Krimo Bokreta, Tracy Cardello, Patricia Brennan and Michelle Goldfarb.

20. At all times relevant herein, Trustees' officers, executives, directors, program administrators, senior management team, Trustees and all other individuals and/or entities responsible for the establishment, oversight and operation of Trustees' facilities and the hiring, training, supervision and retention of Trustees' employees and/or staff working therein, were the agents, servants, employees and/or ostensible agents of Trustees.

STATEMENT OF FACTS

AYRA'S 2011 SPRING SEMESTER SEXUAL ASSAULT AND ACADEMIC PROBLEMS

21. On or about January 10, 2010, Arya applied for admission to Trustees' University of Pennsylvania ("University") and was accepted to the University's undergraduate School of Nursing.

22. Upon information and belief, Arya and/or Sujata Singh signed Trustees' offer of acceptance.

23. As indicated in Arya's application materials and known to Trustees, as a result of a car accident when Arya was two years old her biological mother was killed and her biological father was in a coma. At all relevant times herein, Trustees knew that Arya was adopted and her adoptive parents were divorced.

24. Arya was an undergraduate nursing student at the University beginning in the fall 2011 semester up and until her suicide-death on February 8, 2013.

25. Upon information and belief and at all times relevant herein, the University's School of Nursing had approximately four hundred (400) students.

26. On or about January 15, 2011 and January 16, 2011, Arya was a freshman residing at Kings Court English College House, a dormitory on the University's campus.

27. On or about the night of January 15, 2011 and/or early in the morning hours of January 16, 2011, Arya was the victim of a sexual assault on the University's campus by a male University undergraduate acquaintance who also resided at Kings Court English College House.

28. On January 16, 2011, at or about 2:30 AM, Arya reported the sexual assault to a resident advisor in her dormitory. The resident advisor created an incident report and submitted it to Trustees.

29. On or about January 16, 2011, the University's Police Department, a unit within the University's Division of Public Safety, investigated the sexual assault and created a report.

30. On or about January 16, 2011, the Philadelphia Department of Public Health conducted a sexual assault medical examination of Arya and created a report, which noted in part, UV light reaction to Arya's neck and around her mouth, indicating the presence of semen.

31. On or about January 16, 2011, Arya was referred for medical treatment to Jefferson University Hospital, where she received a forensic rape examination.

32. On or about January 16, 2011, the Philadelphia Police Department investigated the sexual assault and created a report.

33. On or about January 21, 2011, Arya reported the sexual assault to the University's Counseling and Psychological Services office ("CAPS"). Upon information and belief, CAPS interviewed Arya on the phone and recorded intake notes. CAPS noted that as a result of the sexual

assault Arya was anxious and having nightmares, an increased startle response, erratic sleep and diminished appetite.

34. CAPS noted that Arya scored a 70 on the Zung Self-Rating Depression Scale (“SDS”). The Zung SDS is a self-administered survey to quantify the depressed status of a patient. On a scale from 20-80, 80 indicating the highest depressive state, Arya scored a 70, which placed her in the “severely depressed” range.

35. CAPS scheduled Arya to see a CAPS’ therapist on or about January 25, 2011 and February 1, 2011.

36. On or about February 1, 2011, upon information and belief, CAPS’ therapist Dr. Scottie Reeves was scheduled to meet with Arya; it is unknown whether that session ever occurred. Upon information and belief, Arya attempted to schedule a further appointment with CAPS throughout February 2011 but CAPS had no availability. CAPS never tried to schedule another appointment with Arya, despite knowing her depressive state and that she was at risk for further problems, including but not limited to suicide.

37. Sometime between January 16, 2011 and January 25, 2011, Arya met with her University house manager, residential assistant and graduate assistant to inform them that her sexual assaulter was still living in the same dormitory as her. It is unknown what took place during that meeting.

38. On January 25, 2011, Arya informed the University’s Student Intervention Services, an office within the Vice Provost for University Life office, that her sexual assaulter was still living in the same dormitory as her and that was causing her emotional difficulties and preventing her from leaving her room.

39. On or about January 25, 2011, Arya notified various Trustees' employees and professors that she was having "serious personal issues" causing her to miss classes and that the Vice Provost for University Life office was aware of Arya's circumstances.

40. On January 26, 2011, Student Intervention Services communicated with the University's Office of Student Conduct regarding the living situation of Arya and her sexual assaulter.

41. On or about January 31, 2011, Arya contacted the University's Women's Center regarding the sexual assault.

42. On or about February 2, 2011, the Philadelphia District Attorney's Office declined to prosecute the sexual assaulter.

43. On or about February 7, 2011, the University's Women's Center Associate Director Jessica Mertz emailed Arya that her assaulter would no longer be living in the same dormitory as Arya and that, with respect to Trustees' responsibility toward Arya, Trustees would "do our best to make sure you feel safe and secure in your residence."

44. For an unknown period of time after the sexual assault on January 16, 2011, the assaulter was permitted by Trustees to live in and have access to the same dormitory as Arya.

45. Even after Arya's assaulter no longer lived at Kings Court English College House and resided elsewhere on Trustees' campus, he continued to have access to the Kings Court English College House and various academic and recreational buildings, which were the same buildings where Arya resided, attended classes and participated in recreational activities.

46. On or about February 15, 2011 – one month after the sexual assault – the University's Office of Student Conduct ("OSC") notified Arya that it would **begin** its investigation

into the sexual assault. Arya provided OSC with evidence, including but not limited to photographs of her injuries and a letter she had written recounting the sexual assault.

47. OSC undertook and handled the investigation of the January 15-16, 2011 sexual assault.

48. On February 17, 2011, Arya emailed Sharon Smith, Director of the Vice Provost for University Life office. Arya requested that Ms. Smith contact Arya's mother to let her know about the sexual assault. Arya wrote that her mother "would like to have some sort of conversation with you and I don't know if there is a formal way to grant my permission, but I hope this email is sufficient . . . I have no problem with my mother knowing about the incident and receiving updates."

49. On February 23, 2011, Arya emailed Ms. Smith that her mother "was confused yesterday when she talked with you on the phone; I actually have an appointment scheduled with the Office of Student Conduct today at 2PM and I think she thought the Vice Provost's office and Student Conduct are one and the same." Arya then requested to meet with Ms. Smith.

50. Upon information and belief, OSC had no further contact with Arya's mother.

51. On March 6, 2011, Arya wrote a letter to OSC regarding the inadequacy of its investigation and handling of her sexual assault allegations. Arya also described her emotional problems since the sexual assault and having to see her assaulter in and around campus.

52. Upon information and belief, Trustees never requested or considered the Philadelphia Department of Public Health sexual assault medical examination results or the Jefferson University Hospital forensic rape examination results.

53. On or about March 29, 2011, Arya missed multiple course examinations and emailed various University professors asking to make-up her examinations.

54. On or about March 30, 2011, OSC informed Arya that her assaulter had demanded a formal hearing before a panel to dispute the sexual assault charges against him.

55. On or about April 1, 2011 Arya withdrew from a Forensic Science course due to her unease and discomfort with the course's discussions of sexual assault. In order to withdraw from the course, Arya communicated with the University's Student Registration and Information office. Student Registration and Information Director Adam Sherr helped facilitate Arya's course withdrawal. The Student Registration and Information office communicated with the University's Student Intervention Services. University employees sent internal emails regarding Arya's withdrawal from the course, avoidant behavior and other academic problems.

56. On or about April 4, 2011, Trustees received and/or were notified of a letter from the United States Department of Education Office for Civil Rights regarding its continued obligation to comply with Title IX of the Education Amendments of 1972. The letter is known as a "Dear Colleague Letter." The letter was a supplement to the United States Department of Education's Office of Civil Rights' Revised Sexual Harassment Guidance, which was issued in 2001 to Trustees. The 2001 Revised Sexual Harassment Guidance was a supplement to the United States Department of Education's Office of Civil Rights' March 1997 "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties."

57. The April 4, 2011 Dear Colleague Letter began by noting the importance of providing students with an educational environment free from discrimination, sexual harassment and sexual violence. The letter then provided troubling statistics regarding sexual assaults against women in college; explained colleges and universities' responsibilities to take immediate and effective steps to end sexual harassment; and discussed proactive efforts schools can take to prevent sexual harassment, minimize its recurrence and address its effects on students.

58. On or about April 4, 2011, Trustees received and/or were notified of a letter from the United States Department of Education's Office for Civil Rights titled "Dear Colleague Letter: Sexual Violence Background, Summary, and Fast Facts." **The letter expressly informed Trustees: "victims of sexual assault are more likely to have academic issues, abuse alcohol and drugs, suffer from depression and post-traumatic stress disorder and contemplate suicide"** (emphasis added).

59. On or about April 11, 2011, OSC sent Arya an official notice of the sexual assault hearing and the nature of the allegations against her assaulter.

60. On or about April 15, 2011, OSC Associate Director Kris Olson emailed Arya informing her that the University's sexual assault procedures were "in flux" and "changing," as there was new guidance from the University's and/or United States Department of Education's Office of Civil Rights. Ms. Olson apologized for being "less than certain" about the process for resolving sexual assault allegations. Her email continued: "Please be a little patient with us; it will take us a while to develop our new procedures, etc."

61. On or about April 15, 2011 and April 25, 2011, OSC informed Arya that the sexual assault hearing was cancelled because "the case was resolved via a voluntary agreement to sanctions for the respondent."

62. On or about April 25, 2011, Trustees' OSC issued a decision letter to Arya indicating that the assaulter had signed a voluntary agreement to accept sanctions. The sanctions were that the assaulter would avoid contact, either direct or indirect, with Arya and that Arya and the assaulter would be living in different college housing for the upcoming academic year. The letter closed: "We hope you will continue to seek support from campus resources such as Counseling and Psychological Service (CAPS) and the Penn Women's Center."

63. At all times relevant herein, Arya's assaulter was permitted to remain a student at Trustees' University with no academic or financial sanctions imposed on him.

64. On May 23, 2011, the University's School of Nursing Academic Standards and Progressions Committee sent Arya a letter noting she received a "GR" in Writing 025: Gotta Dance, which meant that the professor did not submit a grade for her. The letter informed Arya that she must resolve her "GR" or successfully pass another writing seminar in order to remain in the Nursing program. The letter closed by saying that the School of Nursing Academic Standards and Progressions Committee would continue to monitor and review Arya's academic record.

65. Throughout the 2011 spring semester, the School of Nursing, Undergraduate Academic Affairs office and the School of Nursing Academic Standards and Progressions Committee reviewed Arya's academic record and monitored her academic problems.

66. On June 8, 2011, the School of Nursing Academic and Student Affairs office informed Arya that her "GR" would automatically convert to an "F" and that Arya would have to take another writing seminar.

67. On or about October 28, 2011 and for some time prior thereto, Arya missed multiple classes, examinations and lab instructions. In response, School of Nursing Student Registration and Information Director Adam Sherr sent an email requesting that University employees perform a "wellness check" on Arya. Upon information and belief, a wellness check is when a Trustees' employee and/or a resident or dormitory advisor physically checks on a student to make sure s/he is physically and/or mentally okay. It is unknown whether a wellness check was actually performed on or about October 28, 2011.

68. Upon information and belief, on or about April and July 2012, Trustees implemented new policies and procedures to address and investigate allegations of sexual violence

– expanding resources for counseling and complaint resolution and clarifying rights of complainants.

2011 FALL SEMESTER ALCOHOL INTOXICATION INCIDENT

69. On or about November 17, 2011, Arya was involved in an alcohol intoxication incident.

70. Trustees' University Police Department arrested Arya and generated a police report, which described Arya as intoxicated, unable to stand/walk and vomiting.

71. Trustees' Police Department arranged for Arya to be taken via ambulance to Trustees' Hospital of the University of Pennsylvania Emergency Room, where she was treated for intoxication.

72. In response to this incident, the University's Office of Alcohol and Other Drug Program Initiatives requested that Arya attend a First Step appointment with the Office of Alcohol and Other Drug Program Initiatives.

73. The University's Student Intervention Services office was also made aware of the November 2011 intoxication incident.

74. On December 19, 2011, Arya appeared for one First Step appointment.

75. Upon information and belief, during this time period Trustees did not provide any additional services to Arya, despite knowing that she had been sexually assaulted earlier in the year and was having serious personal and academic issues related to the assault.

2012-2013 ACADEMIC PROBLEMS, INVESTIGATIONS AND SUSPENSION

76. Throughout the 2012 academic year, from January 29, 2012-February 8, 2013, the University's Undergraduate Academic Affairs office and Academic Standards and Progressions Committee office reviewed Arya's academic record and monitored her academic problems.

77. On or about January 30, 2012, OSC opened an investigation regarding a complaint alleging that Arya violated the University's Code of Student Conduct and Policy on Acceptable Use of Electronic Resources. The complaint stemmed from Twentieth Century Fox Film Corporation – Arya had downloaded two movies on November 11 and November 18, 2011, respectively.

78. On March 14, 2012, OSC employee Andrew Chalfen emailed Arya asking her to sign and return a resolution agreement. On March 15, 2012, Arya emailed Mr. Chalfen the signed resolution agreement.

79. On or about March 15, 2012, OSC issued an official letter of reprimand and ordered Arya to pay a \$100 fine and perform six (6) hours of community service.

80. Despite receiving the signed resolution agreement, on March 26, 2012 a disciplinary hold¹ was placed on Arya's academic account for allegedly not responding to the OSC investigation. Trustees did not remove the hold on Arya's academic records until April 16, 2012, when Arya paid the fine in cash and performed community service.

81. On or about March 15, 2012, Arya was accepted into the Bridging the Gaps Fellowship ("BTG"), a program run by the University's School of Nursing that provided students with fellowship opportunities to work in health-related services within economically disadvantaged communities.

82. BTG was a seven (7) week summer fellowship from June 18, 2012-August 3, 2012 that awarded a \$3,000 living stipend to students. Arya chose to work at the Maternity Care

¹ Disciplinary holds prevent students from registering for classes and accessing grades, transcripts, degrees and diplomas. Pursuant to the Charter of the University of Pennsylvania, the purpose of placing a disciplinary hold on an academic and/or financial record of a student is to "preserve the status quo pending the outcome of proceedings, enforcing a disciplinary sanction, or ensuring cooperation with the student disciplinary system."

Coalition – Cribs for Kids and completed her summer fellowship. Cribs for Kids’ mission is to provide safe sleep environments for infants of needy families in order to reduce the rate of Sudden Infant Death Syndrome in Philadelphia.

83. On or about August 6, 2012, School of Nursing professor Ann O’Sullivan emailed Arya to inform her that she had not met certain requirements of the BTG program – fulfilling the required hours and completing time cards and assignments – and that she must either provide proof of meeting the requirements or refund Trustees the stipend.

84. On or about August 9, 2012, without hearing from Arya, Ann O’Sullivan informed her that unless she responded within the week the incident would be reported to Trustees’ OSC.

85. On or about August 13, 2012, Arya responded and Ann O’Sullivan permitted Arya one week to turn in her outstanding assignments.

86. Arya’s explanation for not completing the required work was that her father had passed away. Arya’s father did not pass away. Trustees internally investigated whether Arya’s father passed away (never reaching a definitive conclusion) but never attempted to contact Arya’s family to confirm whether any family members were sick or had passed away.

87. On or about August 22, 2012, Ann O’Sullivan sent an email to Trustees’ employees and Arya, accusing her of falsely filling out time sheets, failing to complete the required assignments for BTG and failing to return property that belonged to BTG. Ms. O’Sullivan also expressed her disbelief of Arya’s claim that her father had died.

88. On August 22, 2012, Arya emailed Ann O’Sullivan and other Trustees’ employees, writing in full: “I will have everything to you by tonight, I have not been in possession of my laptop since I have been spending time with my familu (sic) after the tragedy we have suffered. I

will rewrite everything and it will be in your inbox by tomorrow at nine am. Thank you for your patience, I promise this will be the last time you have to deal with this matter.”

89. On August 23, 2012, School of Nursing Assistant Dean for Academic & Student Affairs Christina Costanzo Clark sent an internal email to various Trustees employees asking: “this is same student (A. Singh) from two years ago right?,” referring to Arya being the same student involved in the January 2011 sexual assault. Ms. Clark also wrote that Ann O’Sullivan was not happy with Arya and wanted to open an OSC investigation.

90. On or about August 27, 2012, after the School of Nursing conducted an investigation into the work Arya did for BTG, it concluded that Arya lied about time spent at the BTG facility. Upon information and belief, Arya missed three days of the program and had falsified time cards for those days. Arya’s BTG advisor noted in a letter to Trustees dated August 3, 2012: “Besides the hours issue, Arya was very good with clients and was professional on the phone – in person w/each client. She will make a wonderful nurse – patients in the hospital will be lucky to have her around!”

91. On or about September 10, 2012, School of Nursing professor Ann O’Sullivan requested that OSC officially open a case against Arya for the BTG issues. Ann O’Sullivan was instrumental in bringing formal charges against Arya.

92. On or about September 13, 2012, OSC notified Arya it received a complaint from Ann O’Sullivan from the School of Nursing alleging that Arya had violated the Code of Student Conduct and Code of Academic Integrity and requested that Arya contact OSC to arrange an initial interview.

93. On or about September 14, 2012, OSC notified Arya it received a complaint from Rachael Ross of the Children’s Hospital of Philadelphia (“CHOP”) that during the summer of 2012

Arya failed to return certain Hospital property, violating the University's Code of Student Conduct. Upon information and belief, the property included an ID badge and headset for answering telephones when Arya was an intern at CHOP's Research Institute. Upon information and belief, this complaint was resolved without any further proceedings or investigation by OSC.

94. On September 19, 2012, Arya's PennCard was shut off, restricting her access to University buildings, including but not limited to her dormitory. Upon information and belief, Arya had to sign into her dormitory – Trustees were aware that Arya was signing into her dormitory and permitted her to do so from September 19, 2012 and for an unknown period of time thereafter.

95. On or about September 21, 2012, OSC placed a disciplinary hold on Arya's academic records for her failing to respond to the notifications of complaints.

96. Even though the disciplinary hold was intended to "preserve the status quo," the disciplinary hold prevented Arya from registering for spring 2013 semester classes.

97. On or about October 25, 2012, without receiving any communication from Arya, School of Nursing Student Registration and Information Director Adam Sherr sent an email to Melinda Levine DeLisle, Esq., Associate Director of OSC, stating: **"I have no sympathy for her [Arya Singh] – she deserves anything you dish out to her. Sorry not more sympathetic ... needless to say I will not be serving as her advisor"** (emphasis added).

98. No Trustees' employee suggested or conducted a wellness check for Arya.

99. On or about November 8, 2012, OSC advised Arya that it was officially charging her with the actions in the September 13, 2012 complaint unless she contacted them.

100. On or about November 12, 2012, OSC Director Michelle Goldfarb sent Arya a formal charge letter and proposed resolution agreement, proposing a one year suspension. OSC charged Arya with violating the University's Code of Student Conduct and Code of Academic

Integrity for falsifying time sheets for three missed days and failing to submit certain paperwork for BTG. Ms. Goldfarb noted in her letter: “If we cannot agree to a resolution, I will notify the Disciplinary Hearing Officer to schedule a Disciplinary Hearing in accordance with the Charter of the University Student Disciplinary System.”

101. From September 21, 2012 through November 14, 2012, despite Trustees’ requests, Arya failed to communicate in any way with OSC. During this same time period, Trustees never contacted Arya’s parents or performed a wellness check on Arya.

102. In addition to the OSC investigation, various Trustees’ employees were made aware in November 2012 that Arya was failing to attend School of Nursing classes and examinations and had received zeros in certain examinations. University professor Angela Iorianni-Cimbak, who had worked for the University since 1985, described to Trustees in an academic notation placed in Arya’s InTouch student file that Arya’s poor academic performance was indicative of “a pattern of missed deadlines and lack of communication” and represented a more general “movement away from engagement.”

103. On November 14, 2012, Arya contacted Trustees’ OSC to ask about her options for resolving the academic charges against her. Associate Director of OSC, Melinda Levine DeLisle, Esq., responded that although “it is very rare that I send a charge letter without meeting with a student,” Arya had to choose one of the following options by November 19, 2012 and would not have the opportunity to meet with Ms. DeLisle: (1) sign and agree to the proposed one year suspension; (2) request consideration of an alternative proposed sanction; or (3) request a disciplinary hearing.

104. On November 19, 2012, Arya failed to appear for an examination in a clinical course taught by Kirstin Hickerson, who informed Student Registration and Information Director

Adam Sherr of Arya's absence. Mr. Sherr asked Ms. Hickerson, "what was Arya's story again?" Ms. Hickerson explained to Mr. Sherr that Arya was doing poorly in the class and that her and Arya were supposed to have met to discuss Arya's performance but Arya never showed up. Adam Sherr responded in full: "Fine – good – and **she needs to pay . . .**" (emphasis added).

105. Arya emailed Ms. Hickerson claiming that she missed the examination because she was sick. Adam Sherr did not believe Arya's excuse and sent an email to various Trustees employees asking whether they should open another OSC case against Arya for lying about missing the examination. Mr. Sherr did not open another OSC case against Arya.

106. On or about November 29, 2012, OSC Director Michelle Goldfarb issued a revised charge letter regarding Arya's BTG internship investigation, which referenced a November 19, 2012 meeting between Arya and OSC. Upon information and belief, notes taken by Ms. DeLisle from the November 19, 2012 meeting with Arya indicated that Arya missed two (2) or three (3) days of the BTG program and that Arya claimed she had made up those hours. The proposed resolution agreement remained the same as the November 12, 2012 resolution agreement. Ms. Goldfarb noted in her letter: "If we cannot agree to a resolution, I will notify the Disciplinary Hearing Officer to schedule a Disciplinary Hearing in accordance with the Charter of the University Student Disciplinary System."

107. On or about December 10, 2012, OSC informed Arya that she must either sign the agreement to academic sanctions (resulting in a one year suspension) or a hearing would be scheduled.

108. On or about December 10, 2012, Arya emailed OSC, stating that she would like to request a hearing to dispute the academic charges against her. OSC responded that the hearing date would be sometime in late January 2013.

109. On or about January 29, 2013, Melinda Levine DeLisle, Esq. emailed Arya that a disciplinary hearing was scheduled for February 8, 2013 and that they would have to plan to exchange documents and witness lists. Ms. DeLisle told Arya to contact Trustees' employee Marla Chazin with any questions.

110. Upon information and belief, during this time period Trustees did not provide any additional services to Arya despite knowing of the sexual assault and that she was having serious personal and academic issues related to the assault.

CYANIDE PURCHASE

111. On or about December 7, 2012, Arya purchased soluble cyanide salts listed as "Silver Potassium Cyanide or SPC or Salt Silver or Powder Silver 10 Gram" ("cyanide"), via a website created, owned, operated and maintained by Amazon.

112. Products containing soluble cyanide salts were and are a banned hazardous and lethal substance in the United States because they possess such a degree or nature of hazard that adequate labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce.

113. Arya purchased the cyanide with a debit card.

114. Amazon processed Arya's payment for the cyanide.

115. Upon information and belief, Amazon designed, created and maintained a website permitting the electronic offering and sale of products by Amazon and/or third party sellers to consumers.

116. Upon information and belief, Amazon and/or Thailand Defendants offered the cyanide for sale in the United States through Amazon's website.

117. Upon information and belief, Amazon and/or Thailand Defendants sold the cyanide to Arya through Amazon's website.

118. Upon information and belief, Amazon designed, created and monitored product categories and required third party sellers to assign products to certain product categories.

119. Upon information and belief, Amazon required third party sellers to provide product descriptions for products offered for sale on Amazon's website.

120. Upon information and belief, Amazon and/or Thailand Defendants assigned, created, altered and otherwise participated in the product category assignment and product description of the cyanide.

121. Upon information and belief, Amazon required the following product information for products offered for sale in the United States on its website: description of product, categorization within each Amazon product category, digitized image depicting the product and any warnings.

122. The cyanide was assigned to the product category "kitchen" by Amazon and/or Thailand Defendants.

123. Upon information and belief, Amazon and/or Thailand Defendants received payment for the sale of the cyanide to Arya.

124. Upon information and belief, Amazon received a fee from Thailand Defendants for the sale of the cyanide to Arya.

125. Amazon was appointed as payment processing agent for receiving sales proceeds of Thailand Defendants' products.

126. Amazon was the payment processing agent for receiving the sale proceeds for Arya's cyanide purchase.

127. Upon information and belief, Amazon processed Arya's payment and paid a portion of the purchase price to Thailand Defendants. Amazon kept a portion of the sale price.

128. Amazon entered into Business Solutions Agreements with sellers who sold products through Amazon's website, including Thailand Defendants.

129. Upon information and belief, prior to February 2, 2013 and for sometime prior thereto, Amazon had a policy and procedure of prohibiting offers and sales of prohibited items, illegal products and banned lethal substances in the United States, including but not limited to cyanide products, through its website.

130. Prior to February 2, 2013 and for sometime prior thereto, Amazon did not, in fact, prevent offers and sales of cyanide products sold through its website in the United States.

131. Prior to February 2, 2013 and for sometime prior thereto, Amazon offered and/or sold cyanide products through its website in the United States.

132. Prior to February 2, 2013 and for sometime prior thereto, Thailand Defendants offered and/or sold cyanide products through Amazon's website in the United States.

133. Prior to February 2, 2013 and for sometime prior thereto, Amazon created and/or changed product categories and product descriptions of cyanide products sold on its website in the United States.

134. Upon information and belief, Amazon and/or Thailand Defendants sold cyanide products through Amazon's website in the United States at least fifty-one (51) times prior to Arya purchasing the cyanide.

135. Upon information and belief, of the above fifty-one (51) sales, at least eleven (11) resulted in deaths to the purchasers within weeks of the sale.

136. Upon information and belief, Amazon knew or should have known that cyanide was sold in the United States through Amazon's website for sometime prior to February 8, 2013. Upon information and belief, offers and/or sales of cyanide products through Amazon's website dated back to at least May 28, 2012 and for some unknown period of time prior thereto.

137. On December 18, 2012, the cyanide Arya purchased was delivered by Amazon and/or Thailand Defendants to Trustees' Rodin Package Room in a small envelope and held by Trustees. Trustees notified Arya via email that a package had arrived for her.

138. On or about February 2, 2013, after Arya purchased and received the cyanide but before she committed suicide, upon information and belief Amazon changed its policies and procedures to block all offers of sale and sales of all cyanide products in the United States through its website, including but not limited to the type offered for sale and/or sold by Amazon and/or Thailand Defendants and purchased by Arya.

139. Prior to February 2, 2013 and for sometime prior thereto, Amazon took no action or inadequate action to ensure that products containing cyanide were not offered or sold through its website.

140. Amazon did nothing to stop pending deliveries of cyanide – Amazon did not contact purchasers of cyanide or law enforcement.

141. Amazon failed to contact any customers who purchased cyanide through its website, despite urging from the U.S. Consumer Product Safety Commission.

142. Based on its conduct in the subject sale, Amazon was and is an information content provider, not an interactive computer service.

143. Amazon claims at all times relevant herein that it is "constantly innovating on behalf of our customers and working with regulators, third party experts, vendors, and sellers to

improve the ways we detect and prevent illegal and unsafe products from reaching our marketplace. We work hard on this issue every day because we know that our customers trust that they are buying safe and legal products when they shop on Amazon.com. Amazon encourages you to report listings that violate Amazon's policies or applicable law by using our Contact Us form (select 'Report a violation of our rules' and include all relevant information). We will investigate each report thoroughly and take any appropriate actions.”

ARYA'S DISMISSAL

144. On January 25, 2013, the University's School of Nursing Academic Standards and Progressions Committee sent a letter to Arya stating that it had reviewed her academic record and she had a fall 2012 semester GPA of 1.99. Trustees placed Arya on academic probation. This academic probation did not affect Arya's status as a student at the University because she already had a prior disciplinary hold imposed by OSC. As per this letter, although the academic probation did not affect Arya's ability to register for classes, in order for her to be able to register for classes she had to resolve her disciplinary hold by January 28, 2013 or her student account would be deactivated and she would be forced to leave Trustees' housing. As such, the disciplinary hold did not preserve the status quo pending the outcome of Arya's disciplinary proceeding. The letter also stated that the Committee would monitor Arya's progress and review her academic record at the close of the spring 2013 semester. The letter sent by the School of Nursing was post-marked with the date of February 8, 2013.

145. Trustees' policies and procedures, as contained in the University Code of Academic Integrity, clearly stated: “if negotiations involving the student signing a voluntary agreement with the OSC fail, the case will then go to a Disciplinary Hearing.”

146. Pursuant to the Charter of the University of Pennsylvania, the purpose of placing a disciplinary hold on an academic and/or financial record of a student is to “preserve the status quo pending the outcome of proceedings, enforcing a disciplinary sanction, or ensuring cooperation with the student disciplinary system.”

147. Upon information and belief, the time in which students could register for classes for the spring 2013 semester expired on January 28, 2013.

148. On January 29, 2013, the University’s Student Registration & Financial Services – Student Loan Office sent correspondence to Arya advising that her student loan (which upon information and belief was issued through the FAFSA) had been reduced to \$0 by Trustees because Trustees’ records showed that Arya withdrew from the University. Arya had not withdrawn from the University; she was unable to register for spring 2013 semester classes because she still had a disciplinary hold on her account pending the outcome of her OSC investigation and February 8, 2013 hearing.

149. Despite Arya previously providing written authorization requesting that Trustees provide all financial information to her mother Sujata Singh and sister Shweta Singh (as discussed more fully below), Trustees’ Student Loan Office never provided the January 29, 2013 loan reduction information to Sujata Singh.

150. As stated above, on or about January 29, 2013, OSC Associate Director Melinda Levine DeLisle, Esq., emailed Arya that a disciplinary hearing was scheduled for February 8, 2013.

151. On or about February 1, 2013, Director of Student Registration and Information Director Adam Sherr emailed Arya that as of January 29, 2013, she had been placed on an administrative leave of absence from the University because she had not registered for classes for the spring 2013 semester. Arya was unable to register for classes because OSC imposed a

disciplinary hold pending the outcome of its academic investigation and February 8, 2013 hearing. This email further informed Arya that as she was no longer a student, her campus housing would be terminated and that she should contact her house dean and Trustees' Housing and Conference Services. This leave of absence was mandatory and involuntary.

152. On or about February 2, 2013, Arya contacted her dormitory House Dean and requested to remain in Trustees' housing until the February 8, 2013 Trustees' OSC disciplinary hearing. After receiving no response from Trustees, she sent a follow-up email on February 5, 2013.

153. On February 5, 2013, Associate Director of Undergraduate Academic Affairs for the University's School of Nursing Linda Hollenback emailed Arya, stating that the School of Nursing Academic Standards and Progressions Committee had reviewed Arya's academic record and issued a progressions letter. Ms. Hollenback requested that Arya sign and acknowledge receipt of the letter by February 11, 2013. The attached progressions letter was the above-mentioned January 25, 2013 letter from the Academic Standards and Progressions Committee.

154. On February 6, 2013, Trustees responded to Arya's request to remain in Trustees' housing until the February 8, 2013 OSC disciplinary hearing. Trustees noted that Arya's request would be passed along to the Housing Department Assignments Office.

155. Upon information and belief, despite requesting an extension for housing until after the disciplinary hearing, Trustees never submitted Arya's request to the appropriate employees until February 6, 2013, at which time Arya's request was denied.

156. On February 6, 2013, Trustees' Housing Services knew or should have known that Arya had a disciplinary hearing scheduled for February 8, 2013.

157. On February 6, 2013, Housing Services employee Ryan Keytack sent an email to various Trustees employees stating that he was under the impression that Arya did not have a hearing scheduled with OSC for February 8, 2013 and therefore should be removed from campus housing. Mr. Keytack closed his email: "Thanks for rolling with a 'no exceptions' philosophy on this one. I really appreciate that support."

158. Upon information and belief, OSC never cancelled Arya's disciplinary hearing.

159. Upon information and belief, OSC informed Housing Services that no hearing was scheduled for February 8, 2013.

160. Upon information and belief, OSC never informed Arya that her hearing was cancelled and never contacted Arya between January 29, 2013 and February 8, 2013.

161. Upon information and belief, OSC suspended Arya without ever holding a hearing, in direct contravention of its policies and procedures.

162. Because Housing Services believed no hearing date was scheduled, they required that Arya leave student housing.

163. On or about February 6, 2013, Housing Services and the Housing Assignments offices – not OSC – emailed Arya and told her she must vacate her dormitory on February 8, 2013 at noon as she was placed on a leave of absence.

164. On February 8, 2013 at or around noon, University employee Michelle T. Majeski, Residential Services Manager for Rodin College House, went to Arya's dormitory room and spoke with Arya. Ms. Majeski left the room and sent an email to Housing Services employees stating her impression that Arya would leave the dormitory within the hour.

165. Upon information and belief, during this time period Trustees did not provide any additional services to Arya despite knowing of the sexual assault and that she was having serious personal and academic issues related to the assault.

ARYA'S SUICIDE

166. On February 8, 2013 sometime after Ms. Majeski left Arya's room but before 3:00 PM when Arya was found unresponsive in her dormitory room, Arya committed suicide by ingesting the soluble cyanide salts purchased from Amazon and/or Thailand Defendants.

167. On February 8, 2013 at or about 3:00 PM, Arya's roommate found her unresponsive in her room.

168. Upon information and belief, Arya left a post-it note with her sister Shweta Singh's and her mom Sujata Singh's phone numbers on it.

169. Upon information and belief, Arya left a post-it note with a passcode to her laptop written on it.

170. Upon information and belief, the University Police Department officers and Philadelphia Fire Department paramedics arrived and found Arya unresponsive.

171. Detectives from Trustees' Division of Public Safety, including but not limited to its Police Department, investigated the scene where Arya was found and discovered a "plastic zip lock bag with a small amount of salt like substance/residue present." Upon information and belief, the "salt like substance/residue present" was the soluble cyanide salts.

172. Detectives also found a post-it note on Arya's laptop with a passcode and notation stating "[p]lease make sure Shweta Singh reads document titled 'didi' Thank You." Detectives opened the laptop and read the document titled "didi," – Arya's suicide note.

173. In her suicide note, the first thing Arya wrote about was the OSC investigation regarding her BTG internship and her ongoing troubles at the University.

174. Arya was transported to Trustees' Hospital of the University of Pennsylvania Emergency Room ("Trustees' ER"). Arya arrived at Trustees' ER at 3:44 PM in full cardiac arrest.

175. On February 8, 2013 at or about 8:32 PM, Arya was pronounced dead. Arya had committed suicide by intentional ingestion of soluble cyanide salts.

TRUSTEES' FAILURE TO NOTIFY ARYA'S MOTHER OR SISTER OF FINANCIAL ISSUES

176. On August 29, 2011 and valid through August 29, 2014, Arya completed a University "permission to share academic and financial information form." This form permits students to decide how much and what type of information the University can share with their parents or guardians. Arya selected "yes" to the preference for financial information, permitting Trustees to disclose financial information (billing, payments, financial aid, loans, etc.) and any changes thereto to Arya's mother Sujata Singh and sister Shweta Singh. At all times relevant herein, Trustees remained in possession of the form submitted by Arya.

177. It is unknown whether Arya completed any other Consents to Release Student Information.

178. At all relevant times herein, Trustees received money paid by Arya or on her behalf by Sujata Singh, financial institutions and/or government loan programs as financial consideration for Trustees' providing housing, educational and medical services to Arya.

179. Trustees provided financial aid to Arya for her tuition, housing and/or educational expenses.

180. On or about March 30, 2010, April 22, 2010, April 29, 2010 and September 27, 2010, Trustees sent a Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice outlined Arya's financial aid eligibility for the fall 2010-spring 2011 academic year.

181. On or about June 16, 2011, Trustees sent a Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice outlined Arya's financial aid eligibility for the fall 2011-spring 2012 academic year.

182. On June 27, 2011, Arya completed a Trustees Student Registration and Financial Services Incoming Undergraduate Application for Reevaluation to have Trustees reevaluate her financial assistance. Arya informed Trustees that her father had filed for bankruptcy, was failing to pay alimony and child support, and that Arya and her mother could not afford to pay as much as they had before for the upcoming year.

183. On July 20, 2011, Trustees sent a Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta.

184. On July 29, 2011, Arya completed a Trustees Student Registration and Financial Services Incoming Undergraduate Application for Reevaluation to have Trustees reevaluate her financial assistance. In that form, Arya recounted her sexual assault, slipping grades and mental state.

185. On or about July 30, 2011, Trustees sent a Revised Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice outlined Arya's financial aid eligibility for the fall 2011-spring 2012 academic year.

186. On August 24, 2011, Trustees sent a Revised Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice revised Arya's financial aid eligibility for the fall 2011-spring 2012 academic year.

187. On June 5, 2012, Arya emailed the University's Student Financial Services a copy of her mother Sujata's federal income tax return.

188. On July 30, 2012, Arya submitted her mother Sujata's W-2 statement and Tax ID Form to the University's Student Financial Services.

189. On August 8, 2010, Trustees sent a Revised Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta.

190. On August 13, 2012, Arya completed a Trustees Student Registration and Financial Services Incoming Undergraduate Application for Reevaluation to have Trustees reevaluate her financial assistance. Arya again recounted her sexual assault, poor grades and her family's "difficult circumstances."

191. On October 2, 2012, Trustees Student Financial Services sent an email to Arya, but not her mother Sujata or sister Shweta, stating that her billing account was past due. The email subject was "URGENT: FINANCIAL HOLD WARNING."

192. On or about October 3, 2012, Trustees sent a Revised Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice outlined Arya's financial aid eligibility for the fall 2012-spring 2013 academic year.

193. On October 23, 2012, Trustees' sent a student loan approval letter to Arya, but not her mother Sujata or sister Shweta, regarding student loans for the fall 2012 and spring 2013 semester.

194. On or about October 24, 2010, Trustees sent Arya, but not her mother Sujata or sister Shweta, a Financial Aid Notice.

195. In October 2012, Trustees sent various communications to Arya but not her mother Sujata or sister Shweta regarding Arya's enrollment in Trustees' health insurance and financial charges related to that insurance.

196. On or about October 31, 2012, Trustees sent a Revised Financial Aid Notice to Arya, but not her mother Sujata or sister Shweta. The notice revised Arya's financial aid eligibility for the fall 2012-spring 2013 academic year.

197. On December 4, 2012, Trustees' Student Financial Services sent Arya, but not her mother Sujata or sister Shweta, a statement for her spring 2013 term bill.

198. Upon information and belief, Sujata Singh paid Arya's housing, tuition and/or miscellaneous fees to Trustees' University for the spring 2013 semester. Trustees accepted and processed the payment.

199. Upon information and belief, an unsubsidized FAFSA loan was paid to Trustees on behalf of Arya for her spring 2013 semester. Trustees accepted and processed the payment.

200. On January 16, 2013, Trustees' Student Financial Services sent Arya, but not her mother Sujata or sister Shweta, a January 2013 bill.

201. On January 29, 2013, Trustees' Student Registration & Financial Services – Student Loan Office sent correspondence to Arya, but not her mother Sujata or sister Shweta, advising that her student loan (which upon information and belief was issued through FAFSA) had been reduced to \$0 by Trustees because Trustees' records showed that Arya withdrew from the University.

202. The University's Undergraduate Student Handbook provided that for "students taking a Leave of Absence, full refund of tuition and fees is automatic only during the first two

full weeks of the term.” Upon information and belief, Trustees did not refund payments made on Arya’s behalf for the spring 2013 semester.

203. On February 8, 2013, Trustees’ University Life Division, Student Health Service, sent a letter to Arya, but not her mother Sujata or sister Shweta, stating that she was no longer actively enrolled at the University and her enrollment in the Penn Student Insurance Plan would end on February 14, 2013.

204. At all times relevant herein, Trustees were in possession of Arya’s mother Sujata Singh’s full contact information.

205. At all times relevant herein, Trustees were in possession of Arya’s sister Shweta Singh’s full contact information.

206. At all times relevant herein, Trustees never contacted Arya’s parents or sister, including but not limited to her mother Sujata Singh and sister Shweta Singh.

207. Upon information and belief, during this time period Trustees did not provide any additional services to Arya despite knowing of the sexual assault and that she was having serious personal and academic issues related to the assault.

TRUSTEES’ POLICIES AND PROCEDURES

A) General Policies and Procedures

208. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with policies and procedures of the University of Pennsylvania, including but not limited to those enumerated below.

209. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with a Charter of the University of Pennsylvania.

210. At all times relevant herein, Trustees created, maintained, modified, enforced and required its University and School of Nursing students and employees to comply with the School of Nursing Undergraduate Student Handbook of the University of Pennsylvania.

211. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Policies and Procedures Handbook of the University of Pennsylvania.

212. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Student Guidelines of the University of Pennsylvania.

B) Sexual Assaults

213. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the sexual violence, harassment and investigation policies and procedures of the University of Pennsylvania, including but not limited to those enumerated below.

214. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Sexual Violence Policy.

215. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University's Sexual Violence Penn Resource Guide.

216. The Sexual Violence Penn Resource Guide is a training and resource guide for University employees.

217. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University's Student Guidelines for the University's Sexual Violence Policy.

218. Trustees' Student Guidelines for Sexual Violence Policy provided that sexual violence victims have the right to and the University would provide counseling services, options for changing academic and living situations, and assistance through the criminal process.

219. Trustees' Student Guidelines for Sexual Violence Policy provided that in response to a disciplinary complaint of sexual violence, "The Office of the Vice Provost for University Life/Student Intervention Services will work in partnership with the various reporting and support offices to coordinate the University's response and to do the following, as needed: 1) support the direct provision of services to students and others impacted; 2) ensure the confidentiality and security of the affected student(s); 3) provide case management and collaborative follow-up services; and 4) serve as a consultant for administrators and faculty from schools across the university regarding issues that affect academic performance and the psychological and physical well-being of individual students."

220. Trustees' Student Guidelines for Sexual Violence Policy provided that "in some circumstances, the University can restrict contact between student victims/survivors and accused students when a case is pending with the Office of Student Conduct. The University can also provide students victims/survivors options for changing their academic and living situations. Student Intervention Services, in the Office of the Vice Provost for University Life, coordinates this response discreetly and provides support for students."

221. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with an Acquaintance Rape and Sexual Violence Policy (“ARSV”) of the University of Pennsylvania.

222. The University’s ARSV existed because “the prevalence of rape and sexual violence on college campuses is alarming.”

223. The University’s ARSV stated: “Given Penn’s history of providing national leadership with respect to rape and sexual assault education and counseling, it is timely for Penn to continue this role by adopting a specific policy on acquaintance rape and sexual violence. The personal trauma experienced by victims/survivors and the nature and consequences of this crime undermines the trust essential to the process of education and the mission of the University. This crime also conflicts with our very basic standards of behavior. Indeed, this form of sexual violence is particularly damaging to our community because victims/survivors often are acquainted with and must continue to interact with their assailants.”

224. The University’s ARSV stated that “incidents reported to the appropriate departments will be addressed promptly.”

225. The University’s ARSV stated that the University will provide students outreach and support such as “release time, leaves, or other accommodations.”

226. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Office of Civil Rights policies and procedures of the University of Pennsylvania.

227. At all times relevant herein, Trustees enforced and required its students, University and employees to comply with Title IX (20 U.S.C. §§ 1681-1688).

228. Upon receiving the Dear Colleague Letters from the U.S. federal government on or about April 4, 2011, Trustees amended the University's Charter of the Student Disciplinary System on or about April 10, 2012.

229. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University's sexual harassment policy.

C) Mental Health Services

230. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University's policies and procedures for providing students mental health services, including but not limited to those enumerated below.

231. Upon information and belief and at all times relevant herein, Trustees' policies and procedures required that employees refer for and/or provide mental health services to students involved in any of the following:

- a) sexual harassment, including but not limited to sexual assault;
- b) sexual assault investigation;
- c) academic problems;
- d) attendance problems;
- e) communication problems;
- f) academic investigations;
- g) misconduct investigations;
- h) public intoxication;
- i) arrest for intoxication;
- j) abuse of drugs or alcohol;
- k) criminal conduct;
- l) exhibiting traits of withdrawal;
- m) direct statements indicating death of a family member;
- n) financial issues; and/or
- o) violation of a Trustees' policy.

232. On February 19, 2014, Trustees formed a Task Force on Student Psychological Health and Welfare, with the purpose of “examining the challenges confronting students that can affect their psychological health and wellbeing, review and assess the efficacy of Penn resources for helping students manage psychological problems, stress, or situational crises; and make recommendations related to programs, policies, and practices designed to improve the quality and safety of student life.” After conducting interviews and examining data from 2009-2014, on or about February 17, 2015, the Task Force issued a “Report of the Task Force on Student Psychological Health and Welfare” (“Report”).

233. The Report found: “While the Task Force found that CAPS provides excellent services to a wide range of students, one of the most frequent concerns raised by students, families, and others with whom we consulted was the wait time for being seen for non-urgent appointments. Penn should ensure CAPS continues to deploy its resources effectively to keep wait times for first-time appointments in non-emergency situations to no more than seven days, even during periods when demand is high.”

234. The Report found: “Poor academic performance can be seen as a risk factor for depression and other mental illness and thus faculty and academic advisors can play a key role in identifying and supporting students in distress.”

235. The Report found: “Time and again during our consultative meetings we heard that Penn’s faculty, students, and staff care deeply about student mental health, but they do not always know how to respond or where to turn for support when they observe a student in need of help. Parents, partners, and other family members seeking information about Penn resources face a similar challenge when they are concerned about a student.”

236. The Report found that Trustees have particular challenges that arise from “the University’s size and decentralization. Support programs are spread across the University’s 12 schools and its administrative divisions, which makes systematic coordination of these resources [student mental health services] difficult. For graduate and professional students in particular, their identity as students is often more tied to their department or program than to the University. Thus, their academic and social supports are often departmental or school-based.”

237. The Report also found: “While faculty and teaching assistants often observe symptoms of student distress (absences, poor test performance, late papers, etc.), they don’t always know when or how best to intervene.”

D) Academic, Misconduct and Disciplinary Issues

238. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with academic services, academic misconduct and disciplinary hearing policies and procedures of the University, including but not limited to those enumerated below.

239. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University’s policies and procedures for providing students academic services, including but not limited to those enumerated below.

240. Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University Alcohol and Drug Policy, which prohibited persons under 21 from consuming or possessing alcoholic beverages.

241. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Office of Student Conduct policies and procedures of the University.

242. At all times relevant herein, Trustees created, maintained, modified, enforced and required its University and School of Nursing students and employees to comply with the School of Nursing Academic Standards and Progressions Committee policies and procedures of the University.

243. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with a Code of Student Conduct of the University.

244. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with a Code of Academic Integrity of the University.

245. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with a Charter of the University of Pennsylvania Student Disciplinary System.

246. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with a University Student Disciplinary System.

247. At all times relevant herein, the University's Charter of the Student Disciplinary System "seeks to achieve a fair and constructive resolution to disputes."

248. At all times relevant herein, the University's Charter of the Student Disciplinary System contained the following provisions:

- a) “The Office of Student Conduct is responsible for administering the Student Disciplinary System; OSC enforces the Code of Student Conduct, Code of Academic Integrity and various other policies and regulations.”;
- b) “All members of the University community – including trustees, faculty, staff, and students – are required to cooperate with the Student Disciplinary System. This means you must respond to the OSC’s requests . . . If you do not cooperate with the OSC, a disciplinary hold may be put on your academic record.”;
- c) “A complaint to the OSC that a student has violated the University’s rules, regulations or policies may come from any member of the University community – student, staff, faculty member/lecturer or Penn police. It may also come from outside the University community; e.g. from a landlord or other aggrieved party. A complaint may be resolved in a number of ways: dismissal of the complaint; referral of the matter to mediation or to another appropriate University office; resolution through voluntary agreement; and resolution by disciplinary hearing.”;
- d) “A complaint is not a determination that you have done something wrong. It is an allegation that something has occurred that should be looked into. After an investigation, the OSC will determine whether or not you should be charged with a violation.”;
- e) “You are permitted to have an advisor to help you understand and progress through the disciplinary process. Throughout the disciplinary process, your advisor may accompany you to all meetings and any hearing that may occur.”;
- f) “If you are charged, you will also receive a proposed agreement asking you to accept responsibility and agree to certain sanctions proposed by the OSC, acting on behalf of the University, as the most appropriate for the conduct with which you are charged. The student may accept, reject, propose an alternative to the proposed sanctions or request a disciplinary hearing.”;
- g) “In the rare instance that disciplinary charges are not resolved by voluntary agreement, a disciplinary hearing is held. Disciplinary hearings are not trials. They are designed to encourage open discussion among the participants. If your case goes to a hearing, the OSC will discuss hearing procedures with you in more detail.”;
- h) “Possible formal sanctions are: warning, reprimand, disciplinary probation, suspension (imposed and not imposed), expulsion, delayed diploma, withdrawal and notation on transcript. The OSC or a hearing panel (if your case goes to a hearing) may also require fines, restitution, community service, writing an apology letter or essay, and/or participating in a substance abuse or other evaluation.”; and
- i) “All disciplinary proceedings, the identity of individuals involved in particular disciplinary cases, and all disciplinary files, testimony, and findings are confidential. For record-keeping purposes, the OSC will notify the Dean of your school when a sanction is imposed in any academic integrity case and a sanction of probation, suspension or expulsion is imposed in a conduct case. In academic integrity cases, the professor involved is notified of the outcome. The complainant in conduct cases is advised of the outcome in sexual assault and personal violence cases.”

249. At all times relevant herein, the University's Undergraduate Student Handbook for the School of Nursing provided that if a disciplinary hearing is requested, all decisions as to whether or not a student is responsible for academic misconduct are to be determined by a Disciplinary Panel.

250. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the University's policies and procedures regarding an involuntary leave of absence.

251. Trustees' University policies and procedures regarding an involuntary leave of absence provided that the University's "first concern is for the health and welfare of each individual in our [the University's] community."

252. At all times relevant herein, pursuant to the University's Charter of the Student Disciplinary System, "in extraordinary circumstances, when a student's presence on campus is deemed by the University to be a threat to order, health, safety or the conduct of the University's educational mission, the Provost (or designee), in consultation with the student's Dean or Associate Dean, may place the student on a mandatory temporary leave of absence or impose conditions upon the student's continued attendance, **pending a hearing of disciplinary charges**" (emphasis added). Further, "when reasonably possible, the student will be provided with an opportunity to be heard before a decision is made by the Provost (or designee) to impose a mandatory leave of absence."

253. Trustees' University policies and procedures regarding an involuntary leave of absence provided that "the University may place a student on an involuntary leave of absence or require conditions for continued attendance under the following circumstances when the student exhibits behavior resulting from a **psychological, psychiatric, or other medical condition that:**

threatens, harms or has the potential to harm the health or safety of the student or others; causes or threatens to cause significant property damage; or significantly disrupts the educational and other activities of the University community” (emphasis added).

254. Trustees’ University policies and procedures regarding an involuntary leave of absence describe the withdrawal process: “when a student exhibits any of the behaviors described above, the matter should be brought to the attention of the Office of the Vice Provost for University Life who will be responsible for informing the Vice Provost for Education (or such person who holds those responsibilities at the time) that an involuntary leave may be warranted. The Office of the Vice Provost for university life will manage the process, convene case conferences, and work with University and School offices to coordinate the delivery of services. In most cases, the student will be required to undergo an immediate assessment of his or her psychological, psychiatric or other medical condition. This assessment will be performed by Counseling and Psychological Services (CAPS), the Student Health Service, or other appropriate professionals.”

E) Campus Housing Services.

255. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with housing policies and procedures of the University of Pennsylvania, including but not limited to those enumerated below.

256. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Housing and Conference Services policies and procedures of the University of Pennsylvania.

257. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Housing Department Assignments Office policies and procedures of the University of Pennsylvania.

258. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with the Residential Policies and Procedures Handbook of the University of Pennsylvania.

259. At all times relevant herein, there were Occupancy Agreements between the University and Arya.

F) Parental Notifications.

260. At all times relevant herein, Trustees created, maintained, modified, enforced and required its students, University and employees to comply with parental notification forms, Consent to Release Student Information forms and University policies and procedures for parental notifications, including but not limited to those enumerated below.

261. Trustees' University Student Handbook provided, generally, that disclosure decisions to parents would be made on "a case-by-case basis by designated university officials in consultation with the Office of the General Counsel."

262. Trustees' policies and procedures for parental notification provided: "[i]n cases involving serious injury and in emergency situations, the University may notify the parents or guardians of a student. Further, in such situations, the University will notify the individual(s) designated by the student."

263. It is unknown whether Trustees' Office of the General Counsel was ever consulted about Arya.

264. Trustees' policies and procedures for parental notification provided that in emergency situations and situations involving alcohol violations, a decision to notify parents about a student's activities will be made by the Office of the Vice Provost for University Life or another senior student affairs officer.

265. Trustees' policies and procedures for parental notification provided that Trustees' offices, such as CAPS, may also be consulted in situations which may warrant parental notification, such as medical leaves of absence, emotional difficulties and missing persons.

266. Trustees' OSC policies and procedures provided that OSC "may disclose to the parents or legal guardians of a student under the age of 21 information regarding the student's violation of any University policy."

267. Trustees' parental notification policy provided that the University would notify parents "of a student under the age of 21" regarding the student's violation of a University policy regarding drugs or alcohol.

268. Trustees' parental notification policy provided that the University would notify parents "in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student."

269. On August 29, 2011 and valid through August 29, 2014, Arya completed a University "permission to share academic and financial information form." This form permits students to decide how much and what type of information the University can share with their parents or guardians. Arya selected "yes" to the preference for financial information, permitting Trustees to disclose financial information (billing, payments, financial aid, loans, etc.) and any changes thereto to Arya's mother Sujata Singh and sister Shweta Singh. At all times relevant herein, Trustees remained in possession of the form submitted by Arya.

270. It is unknown whether Arya completed any other Consents to Release Student Information.

271. At all times relevant herein and except where alleged otherwise herein, Trustees never contacted Arya's parents or sister, including but not limited to her mother Sujata Singh or

sister Shweta Singh, regarding any of Arya's above or below mentioned sexual assault, sexual assault investigation, academic issues, academic and misconduct investigations, financial issues, financial payments, loan information, medical treatment, health insurance, mental health issues and/or treatment, emotional issues, criminal conduct, intoxication, or violation of any of Trustees' policies.

272. Trustees never contacted Arya's mother Sujata Singh after Arya was found unresponsive in her dormitory room or when she was taken to the emergency room.

AMAZON'S POLICIES AND PROCEDURES

273. Upon information and belief, Amazon and Thailand Defendants entered into a Business Solutions Agreement. The Business Solutions Agreement provided, among other things:

- a) Amazon processed all payments made related to any sales of products listed by Thailand Defendants;
- b) Amazon retained the right to commercially and non-commercially exploit and sublicense any information put on its website by sellers, including but not limited to information put on the website by Thailand Defendants;
- c) If Amazon determined that a seller's account was being used to engage in illegal activity, Amazon could withhold or forfeit remittances and payments to the seller;
- d) Amazon bore the risk of credit card fraud from payments made through its website, including but not limited to the payment made by Arya;
- e) Amazon retained the right to refuse to process or withhold any process of payment, including the subject payment made by Arya;
- f) Amazon was responsible for all customer service issues related to payments for products sold through its website, including Arya's cyanide purchase;
- g) Amazon charged and collected fees from its sellers for the right to sell products on the website. Amazon charged and collected a fee from Thailand Defendants for the sale of the cyanide to Arya. The fee was either \$0.99 per sale or a \$39.99 flat fee per month; and
- h) With respect to sellers of prohibited items, Amazon retained the right to suspend or terminate selling privileges and destroy inventory in their fulfillment centers without reimbursement to the seller.

274. Upon information and belief, prior to February 2, 2013 and for sometime prior thereto, Amazon had various policies and procedures (as outlined above and below) regarding the

offering and sale of prohibited items, illegal products and banned hazardous substances in the United States, including but not limited to cyanide products.

275. Upon information and belief, prior to February 2, 2013 and for sometime prior thereto, Amazon had a policy and procedure of prohibiting through its website offers and sales of prohibited items, illegal products and banned hazardous substances in the United States, including but not limited to cyanide products.

276. Upon information and belief, prior to February 2, 2013 and for sometime prior thereto, despite having a policy and procedure of prohibiting through its website offers and sales of prohibited items, illegal products and banned hazardous substances in the United States, including but not limited to cyanide products, Amazon failed to enforce that policy and procedure.

277. On or about February 2, 2013, after Arya purchased and received the cyanide but before she committed suicide, Amazon changed its policies and procedures and, in fact, blocked offers and sales of all prohibited items, illegal products and/or banned hazardous substances in the United States through its website, including but not limited to cyanide products and the type offered for sale and/or sold by Amazon and/or Thailand Defendants to Arya. Upon information and belief, Amazon blocked the offers and sales of cyanide products by implementing and/or modifying a catalog system to identify and prevent the listing and sale of products containing cyanide

278. On April 1, 2015, Plaintiff requested that Amazon produce its policies and procedures and any changes thereto from January 2012 to the present relating to: 1) approval of products placed on its website by third party sellers; 2) ensuring that third parties use correct categories when listing products on its website; 3) ensuring that products placed on the website by

third parties are safe and legal; and 4) any documents, correspondence, memoranda and records demonstrating compliance or lack thereof with its policies and procedures.

279. To date, Amazon has failed to provide or produce any of the documents sought by Plaintiff and has not provided any documents or records relating to its policies and procedures for: 1) approving products offered for sale by third parties; 2) approving products offered for sale by Amazon; or 3) determining and ensuring whether products placed on its website are legal and safe. Further, Amazon claims it cannot locate its policies and procedures that were in effect from January 2012-February 8, 2013.

**NEGLIGENCE AGAINST DEFENDANT TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA**

280. Trustees undertook gratuitously or for consideration to render certain services and assumed certain duties to Arya in order to protect her and/or her educational investment.

281. Trustees failed to exercise reasonable care in performing the services and duties below, and those failures increased the risks of harm to Arya.

282. Trustees failed to exercise reasonable care in performing the services and duties below, causing harm to Arya because of her reliance on Trustees.

283. The increased risks of harm and harm to Arya were her mental and physical pain, suffering and death.

284. Trustees, by and through their agents, servants, employees and/or ostensible agents, undertook to render certain services and assumed certain duties to Arya but failed to exercise reasonable care and breached those duties in the following undertakings:

- a) failing to investigate Arya's sexual assault allegations and disciplining the sexual assaulter;
- b) failing to provide safe campus housing accommodations for Arya;
- c) failing to restrict Arya's sexual assaulter's access to campus buildings;
- d) failing to prevent Arya's sexual assaulter from having contact with her;

- e) failing to provide mental health services to Arya;
- f) failing to refer Arya for mental health services;
- g) failing to follow mandatory policies and procedures regarding imposing an involuntary leave of absence on Arya prior to February 8, 2013;
- h) failing to provide academic and counseling services to Arya;
- i) failing to investigate allegations of academic misconduct against Arya;
- j) adjudicating academic misconduct allegations against Arya;
- k) punishing Arya for alleged academic misconduct;
- l) placing Arya on a disciplinary hold;
- m) forcing Arya to vacate campus housing;
- n) suspending Arya from the University without ever holding an OSC hearing, in direct contravention of Trustees' policies and procedures, including but not limited to the University's Charter of the Student Disciplinary System;
- o) failing to take into consideration Arya's sexual assault when dealing with her post-assault conduct;
- p) failing to contact Arya's parents or sister;
- q) exhibiting a pattern of vindictive and punitive treatment and course of action toward Arya;
- r) failing to coordinate systemic resources, including but not limited to student mental health services, for the benefit of Arya;
- s) failing to recognize and appropriately respond to Arya's psychological health and welfare, in light of her being a sexual assault victim;
- t) failing to prevent Arya from committing suicide, given the totality of circumstances and Trustees' undertakings as alleged herein; and
- u) otherwise failing to adhere to any and all of Trustees' policies and procedures.

285. At all relevant times herein it was the policy and procedure of Trustees to monitor and advise students such as Arya of the increased risks of harm and risk reduction methods.

286. At no time did Trustees advise, counsel or alert Arya and/or her mother or sister that Arya was at an increased risk of harm or of potential risk reduction methods.

287. Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

**NEGLIGENCE AGAINST DEFENDANT TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA**

288. Trustees had a special relationship with its students, including Arya, and owed a duty to exercise care to protect the wellbeing of its students and residents, including Arya.

289. At all times relevant herein, Trustees knew or should have known that:

- a) Arya was sexually assaulted on their campus on or about January 15, 2011- January 16, 2011;
- b) students were at risk of being sexually assaulted by fellow students on-campus;
- c) Arya's sexual assaulter was permitted to live in the same dormitory as her and have access to campus buildings following the assault;
- d) as a result of the sexual assault and/or Trustees' handling of it, Arya was at risk for and did in fact suffer psychological and emotional consequences;
- e) victims of sexual assault are more likely to have academic issues;
- f) after the assault Arya had academic issues and poor grades;
- g) after the assault Arya was the subject of multiple academic and misconduct investigations;
- h) victims of sexual assault are more likely to abuse alcohol and/or drugs;
- i) Arya was involved in an alcohol intoxication incident resulting in her arrest and hospitalization;
- j) victims of sexual assault are more likely to suffer from depression and/or post-traumatic stress disorder;
- k) Arya suffered from depression;
- l) victims of sexual assault are more likely to contemplate suicide;
- m) Arya contemplated suicide;
- n) victims of sexual assault are more likely to attempt suicide;
- o) Arya was at an increased risk of harm to commit suicide;
- p) Trustees' conduct caused Arya emotional pain and suffering;
- q) Trustees' conduct caused Arya emotional pain and suffering that would lead to her contemplating suicide;
- r) Arya posed an unreasonable risk of harm to herself;
- s) Arya posed an unreasonable risk of harm to herself without proper counseling, education and supervision; and
- t) based on prior similar instances of conduct of students, Arya was at risk to harm herself.

290. At all relevant times herein it was the policy and procedure of Trustees to monitor and advise students such as Arya of the increased risks of harm and risk reduction methods and to provide counselling and education.

291. At no time did Trustees advise, counsel or alert Arya and/or her mother or sister that Arya was at an increased risk of harm or of potential risk reduction methods and to provide counselling and education.

292. Trustees failed to take any precautions to protect Arya.

293. Trustees failed to discipline Arya's sexual assaulter and prevent him from having further contact with Arya.

294. Trustees failed to schedule or require any mental health sessions for Arya after February 1, 2011 or provide adequate mental health services to Arya.

295. Trustees' employees failed to refer Arya for mental health services.

296. Trustees failed to follow mandatory policies and procedures regarding imposing an involuntary leave of absence on Arya prior to February 8, 2013.

297. Trustees failed to conduct any wellness checks on Arya or conducted inadequate wellness checks.

298. Trustees failed to provide or provided inadequate academic counseling and services.

299. Trustees failed to contact Arya's mother or sister regarding Arya's sexual assault, academic issues, academic and misconduct investigations, mental health issues and/or financial issues.

300. As a direct and proximate result of Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety, Arya's mental and emotional condition went undiagnosed, untreated and was exacerbated during a period in which the chances of successful treatment were significantly greater, thereby increasing the risk of harm to her.

301. As a direct and proximate result of the negligence, carelessness, gross negligence and reckless disregard of Trustees herein, Arya's mental and emotional condition was caused to deteriorate until her suicide on February 8, 2013.

302. Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AS
AGAINST DEFENDANT TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA**

303. Trustees' acts and omissions, including but not limited to those enumerated in the Statement of Facts section herein and listed below, were intentional or reckless.

304. Trustees' acts and omissions, including but not limited to those enumerated herein and listed below, were extreme and outrageous and in reckless disregard for human life and safety.

305. As a result of Trustees' acts and omissions, Arya suffered severe emotional distress.

306. As a result of Trustees' acts and omissions, Trustees caused Arya severe emotional distress, pain and suffering that were a substantial factor in causing Arya to commit suicide.

307. In addition to the facts set forth herein, Trustees' intentional or reckless and extreme and outrageous conduct, by and through their agents, servants, employees and/or ostensible agents disregarded the life, health and safety of students, including Arya, and consisted of but is not limited to:

- a) failing to gather evidence related to Arya's sexual assault, including but not limited to the forensic rape examination;
- b) permitting Arya's sexual assaulter to remain in the same housing as Arya after the sexual assault;
- c) permitting Arya's sexual assaulter to have access to Arya's dormitory after the sexual assault;
- d) permitting Arya's sexual assaulter to have access to campus buildings where Arya lived, attended class, studied and engaged in social and extracurricular activities;
- e) permitting Arya's sexual assaulter to remain on campus as a student;
- f) failing to impose any academic or financial sanctions on Arya's sexual assaulter;
- g) failing to discipline Arya's sexual assaulter;
- h) failing to provide safe campus housing accommodations for Arya;

- i) failing to provide mental health services to Arya;
- j) providing inadequate mental health services to Arya;
- k) failing to refer Arya for mental health services;
- l) failing to provide academic support and services to Arya;
- m) opening an OSC investigation into Arya's downloading of two movies and requiring her to pay a fine and perform community service;
- n) opening an academic misconduct investigation against Arya;
- o) charging Arya with academic misconduct;
- p) placing a disciplinary hold on Arya's student account, preventing her from registering for classes;
- q) placing Arya on academic probation;
- r) placing Arya on an administrative leave of absence;
- s) suspending Arya from Trustees' University;
- t) terminating Arya's campus housing;
- u) failing to hold an academic disciplinary hearing to resolve pending academic charges against Arya prior to placing her on administrative leave of absence and forcing her to vacate campus housing;
- v) failing to respond to Arya's requests to resolve her academic investigation;
- w) accepting payment for services that were not rendered;
- x) forcing Arya to vacate campus housing;
- y) failing to contact Arya's parents or sister at all times relevant herein;
- z) failing to prevent Arya from committing suicide, given the totality of circumstances and Trustees' undertakings as alleged herein; and
- aa) otherwise failing to adhere to any and all of Trustees' policies and procedures.

308. Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AS AGAINST
DEFENDANT TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA**

309. Trustees had contractual and/or fiduciary duties towards Arya.

310. Trustees undertook gratuitously or for consideration to render certain services and assumed duties to Arya in order to protect her and/or her educational investment, as outlined below.

311. Trustees failed to exercise reasonable care in performing the services and duties below, and those failures increased the risks of harm to Arya.

312. Trustees failed to exercise reasonable care in performing the services and duties below, causing harm to Arya because of her reliance on Trustees.

313. Trustees had a preexisting relationship with Arya involving the providing of certain services and assumption of certain duties that obviously and objectively held the potential for deep emotional harm in the event of breach.

314. There was a special relationship between Trustees and Arya that included a duty of care for Arya's emotional and academic well-being.

315. Arya trusted, relied and depended on Trustees to exercise fairness and good faith in dealing with Arya and refraining from using Trustees' position to Arya's detriment and/or to Trustees' own advantage.

316. Trustees knew or should have known that their conduct involved an unreasonable risk of causing Arya distress and knew or should have known that the distress might result in illness, bodily harm and/or death by suicide.

317. It was reasonably foreseeable that a reasonable person would experience severe emotional damage from Trustees' conduct as alleged herein.

318. It was reasonably foreseeable that a person in Arya's position would experience severe emotional damage from Trustees' conduct as alleged herein.

319. At all times relevant herein and upon information and belief, there were written contracts and agreements entered into by and between Trustees, Arya and/or Sujata Singh in which Trustees were to provide certain services and assume certain duties to Arya and/or Sujata Singh in exchange for financial consideration paid by or on behalf of Arya and/or Sujata Singh.

320. Upon information and belief, these written contracts outlined certain rights, responsibilities, obligations and duties of Trustees, Arya and/or Sujata Singh related to Arya's

education at Trustees' University, including but not limited to her tuition, housing, other financial matters, security, mental and physical safety and medical treatment, health insurance and parental notifications.

321. Upon information and belief, these contracts and agreements incorporated by reference certain written rules, guidelines and operating procedures of Trustees' University, including but not limited to Trustees' Charter, Code of Student Conduct, Code of Academic Integrity and Policies and Procedures Handbook.

322. Upon information and belief, these contracts and agreements incorporated by reference certain written policies and procedures of Trustees' Office of Student Conduct; School of Nursing Academic Standards and Progressions Committee; Housing and Conference Services; Housing Department Assignments Office and Student Guidelines; and Office of Civil Rights and certain policies and procedures related to sexual violence, harassment and investigation; parental notification forms, policies and procedures; academic misconduct investigations and discipline; providing mental health and academic services.

323. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to provide their students, including Arya, an atmosphere that protects and promotes Trustees educational mission and which guarantees its orderly and effective operation.

324. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to provide their students, including Arya, an academic education (including academic discipline) in exchange for tuition.

325. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to provide their students, including Arya, dormitories and housing in exchange for payment.

326. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to provide their students, including Arya, safe buildings and a safe learning environment.

327. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to provide their students, including Arya, medical treatment and services for physical and mental injuries.

328. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to refer their students, including Arya, for mental health services.

329. At all times relevant herein, Trustees had an obligation, duty, assumption of duty or promise to contact their students' parents, including Arya's, in cases of medical, academic or financial issues or emergencies. Further, Trustees had an obligation, duty, assumption of duty or promise to contact Arya's sister regarding financial issues.

330. Trustees, Arya and/or Sujata Singh agreed Trustees would, at the very least, exercise the duty of care ordinarily exercised by an "Ivy League" university with a multibillion dollar endowment to carry out the aforementioned obligations, duties, assumption of duties or promises.

331. Trustees failed to adequately uphold and adhere to the terms of the contracts and agreements and breached those terms.

332. Trustees unintentionally caused emotional distress to Arya and are liable for her resulting pain, suffering and death. Trustees' acts and omissions, including but not limited to those enumerated in the Statement of Facts section herein and listed below, were negligent.

333. As a result of Trustees' acts and omissions, Trustees caused Arya severe emotional distress, pain and suffering and physical pain, suffering and death.

334. In addition to the facts set forth herein, Trustees' negligent conduct, by and through their agents, servants, employees and/or ostensible agents, consisted of but is not limited to:

- a) failing to gather evidence related to Arya's sexual assault, including but not limited to the forensic rape examination;
- b) permitting Arya's sexual assaulter to remain in the same housing as Arya after the sexual assault;
- c) permitting Arya's sexual assaulter to have access to Arya's dormitory after the sexual assault;
- d) permitting Arya's sexual assaulter to have access to campus buildings where Arya lived, attended class, studied and engaged in social and extracurricular activities;
- e) permitting Arya's sexual assaulter to remain on campus as a student;
- f) failing to impose any academic or financial sanctions on Arya's sexual assaulter;
- g) failing to discipline Arya's sexual assaulter;
- h) failing to provide safe campus housing accommodations for Arya;
- i) failing to provide mental health services to Arya;
- j) providing inadequate mental health services to Arya;
- k) failing to refer Arya for mental health services;
- l) failing to provide academic support and services to Arya;
- m) failing to coordinate systemic resources, including but not limited to student mental health services, for the benefit of Arya;
- n) failing to recognize and appropriately respond to Arya's psychological health and welfare, in light of her being a sexual assault victim;
- o) opening an OSC investigation into Arya's downloading of two movies and requiring her to pay a fine and perform community service;
- p) opening an academic misconduct investigation against Arya;
- q) charging Arya with academic misconduct;
- r) placing a disciplinary hold on Arya's student account, preventing her from registering for classes;
- s) placing Arya on academic probation;
- t) placing Arya on an administrative leave of absence;
- u) suspending Arya from Trustees' University;
- v) terminating Arya's campus housing;
- w) failing to hold an academic disciplinary hearing to resolve pending academic charges against Arya prior to placing her on administrative leave of absence and forcing her to vacate campus housing;
- x) failing to respond to Arya's requests to resolve her academic investigation;
- y) accepting payment for services that were not rendered;
- z) forcing Arya to vacate campus housing;
- aa) failing to contact Arya's parents or sister at all times relevant herein;
- bb) failing to prevent Arya from committing suicide, given the totality of circumstances and Trustees' undertakings as alleged herein; and
- cc) otherwise failing to adhere to any and all of Trustees' policies and procedures.

335. Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

**NEGLIGENT HIRING, TRAINING, SUPERVISION, RETENTION AND
COORDINATION OF RESOURCES AGAINST TRUSTEES'
UNIVERSITY OF PENNSYLVANIA**

336. At all times relevant herein, Trustees' employees acted within the scope of their authorities and employments as agents, officers and/or employees of Trustees.

337. Trustees failed to exercise reasonable care in their hiring, training, supervision and retention of their employees.

338. Trustees knew or should have known that their employees were dangerous, careless, incompetent, inadequately trained and monitored, and that their employment could foreseeably lead to harm of a third person.

339. Trustees knew or should have known that their University was decentralized and lacked systematic coordination of its resources, making it difficult and/or not possible for Trustees' employees to properly protect, educate and intervene when students have sexual, emotional, mental health, drug and alcohol, academic, misconduct, housing, and/or financial problems.

340. Trustees knew or should have known that their University structure could foreseeably lead to harm of its students.

341. At all times relevant herein, it was reasonably foreseeable to Trustees that their employees, including but not limited to those listed above, would be confronted with situations similar to those involving Arya. It was reasonably foreseeable to Trustees that:

- a) students may be sexually assaulted;
- b) employees would conduct sexual assault investigations and determine punishment;

- c) student-sexual assault victims need special housing accommodations;
- d) student-sexual assault victims need mental health services;
- e) employees would have to determine under what circumstances to refer students for mental health services and counseling;
- f) employees would have to determine where to refer students for mental health services and counseling;
- g) student-sexual assault victims may have academic problems and require academic tutoring and services;
- h) employees would investigate allegations of academic or other misconduct and determine punishment;
- i) employees would have to determine housing arrangements for students facing academic or misconduct investigations;
- j) employees would have to determine under what circumstances to contact a student's parents or authorized representatives; and
- k) employees would have to determine when to impose leaves of absences on students.

342. Trustees caused, developed, created, instituted and/or maintained certain policies and procedures for the University of Pennsylvania.

343. Trustees' negligence, by and through their agents, servants, employees and/or ostensible agents, consisted of but is not limited to either not having policies and procedures; establishing inadequate policies and procedures; failing to follow established policies and procedures; changing policies and procedures; failing to train and supervise employees in how to follow policies and procedures; and/or failing to train and supervise employees about the changes in policies and procedures related to:

- a) investigating sexual assault allegations;
- b) disciplining sexual assaulters;
- c) providing safe campus housing accommodations for sexual assault victims;
- d) preventing sexual assaulters from having contact with their victims;
- e) providing mental health services to sexual assault victims;
- f) referring students for mental health services;
- g) coordinating University resources and employees to respond and intervene when students have sexual, emotional, mental health, drug and alcohol, academic, misconduct, housing, and/or financial problems;
- h) providing academic support to sexual assault victims;
- i) investigating allegations of academic or other misconduct against students;
- j) determining punishment for students with allegations of academic or other misconduct;

- k) holding disciplinary hearings;
- l) removing students from campus housing while an academic or other investigation or disciplinary hearing is pending;
- m) removing students from campus housing;
- n) imposing leaves of absence on students;
- o) contacting students' parents or authorized representatives;
- p) preventing students from committing suicide given the totality of circumstances facing them; and
- q) otherwise failing to follow and failing to train employees in how to follow established policies and procedures.

344. Trustees' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

**NEGLIGENCE AGAINST AMAZON DEFENDANTS FOR SELLING THE
CYANIDE**

345. Amazon was and is an online retailer that engages in the business of offering for sale and selling products to consumers through its website.

346. Amazon was the owner, operator, designer, and manager of a website through which Arya purchased the cyanide.

347. At all times relevant herein, Amazon acted as an agent, servant and/or ostensible agent of Arya.

348. At all relevant times herein and for an unknown period of time prior to, Amazon knew or should have known that products containing cyanide were offered and sold to consumers in the United States through its website.

349. Amazon knew or should have known that products containing soluble cyanide salts are a banned hazardous substance in the United States.

350. Amazon knew or should have known that soluble cyanide salts, when ingested, are fatal.

351. At all relevant times herein and for an unknown period of time prior to, Amazon knew or should have known that some consumers who purchased cyanide on Amazon's website died shortly after their purchase.

352. Amazon undertook gratuitously or for consideration to render certain services and assumed certain duties to Arya in order to protect her.

353. Amazon failed to exercise reasonable care in performing the services and duties below, and those failures increased the risks of harm to Arya.

354. Amazon failed to exercise reasonable care in performing the services and duties below, causing harm to Arya because of her reliance on Amazon's services.

355. The increased risks of harm and harm to Arya include but are not limited to her physical pain, suffering and death.

356. Amazon had a duty to prohibit, regulate and prevent cyanide from being sold through its website in the United States.

357. Amazon had a duty to not create or alter product descriptions of cyanide offered for sale on its website.

358. Amazon had a duty to comply with United States' federal and state statutes, laws, rules and regulations governing banned hazardous and lethal substances and breached that duty.

359. Amazon had a duty to comply with 16 C.F.R. § 1500.17(5) and breached that duty.

360. Amazon had duty to comply with 15 U.S.C. §§ 1263(a) and (c) and breached that duty.

361. Amazon had a duty to comply with U.S. Consumer Product Safety Commission rules and breached that duty.

362. Amazon's negligence, by and through its agents, servants, employees and/or ostensible agents, consisted of but is not limited to:

- a) possessing the capabilities to block offers and/or sales of all cyanide purchases through its website but not using those capabilities until February 2, 2013;
- b) failing to adequately use a catalog system to identify and prevent the offering and/or selling of products indicating they contain cyanide;
- c) creating the cyanide product description;
- d) offering cyanide for sale on its website;
- e) modifying or otherwise changing the cyanide description;
- f) selling the cyanide to Arya through its website;
- g) processing payment for Arya's purchase of the cyanide;
- h) verifying, approving and otherwise confirming the sale of the cyanide;
- i) failing to monitor product descriptions, offers and sales of prohibited items, illegal products and banned hazardous substances on the website;
- j) failing to keyword search for product descriptions containing banned hazardous substances;
- k) failing to use automated software to keyword search for product descriptions containing prohibited items, illegal products or banned hazardous substances;
- l) improperly using automated software to search for product descriptions containing prohibited items, illegal products or banned hazardous substances;
- m) failing to identify and prevent the offering and/or sale of products that contain cyanide;
- n) packaging the cyanide for delivery to Arya;
- o) delivering or causing the cyanide to be delivered to Arya;
- p) receiving in interstate commerce the cyanide and delivering or proffering delivery of the cyanide;
- q) introducing and/or delivering for introduction or causing to be introduced and/or delivered for introduction into interstate commerce the cyanide;
- r) failing to cancel Arya's payment or otherwise delay the transaction for purchase of the cyanide;
- s) failing to take any action to prevent Amazon from offering cyanide for sale through its website;
- t) failing to take any action to prevent Amazon from selling cyanide through its website;
- u) failing to monitor the processing of payment transactions for banned hazardous substances;
- v) failing to notify law enforcement or government authorities of illegal offers and/or sales of banned hazardous substances prior to December 7, 2012;
- w) failing to enforce and/or adhere to its policies and procedures for prohibiting offers and/or sales of banned hazardous substances prior to February 2, 2013;
- x) failing to block offers and/or sales of banned hazardous substances prior to February 2, 2013;

- y) failing to notify consumers, including but not limited to Arya, of Amazon's February 2, 2013, change in its policies and procedures related to banned hazardous substances;
- z) failing to have any policies and procedures regarding product listings, offers of sale, product sales and payment transaction processes that trigger internal review and confirmation for banned hazardous substances or otherwise illegal items;
- aa) failing to prevent Arya from committing suicide, given the totality of circumstances and Amazon's undertakings as alleged herein; and
- bb) otherwise failing to adhere to any and all of Amazon's policies and procedures.

363. At all relevant times herein it was the policy and procedure of Amazon to monitor and advise customers such as Arya of the increased risks of harm of the products they purchase.

364. At no time did Amazon advise, counsel or alert Arya she was at an increased risk of harm.

365. Amazon's conduct posed a grave risk to human life and safety.

366. Amazon's aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

NEGLIGENCE AGAINST AMAZON DEFENDANTS FOR FAILING TO PREVENT THAILAND DEFENDANTS' FROM SELLING CYANIDE

367. Amazon acted in its capacity as agents, servants, and/or ostensible agents of Thailand Defendants.

368. Amazon was and is an information content provider, not an interactive computer service.

369. Amazon undertook gratuitously or for consideration to render certain services and duties to Arya in order to protect her.

370. Amazon failed to exercise reasonable care in performing the services and duties below, and those failures increased the risks of harm to Arya.

371. Amazon failed to exercise reasonable care in performing the services and duties below, causing harm to Arya because of her reliance on Amazon's services.

372. The increased risks of harm and harm to Arya include but are not limited to her physical pain, suffering and death.

373. Amazon had a duty to prohibit, regulate and prevent cyanide from being sold through its website in the United States and breached that duty.

374. Amazon had a duty to not permit the sale of cyanide through its website and breached that duty.

375. Amazon had a duty to not create or alter product descriptions of cyanide offered for sale on its website and breached that duty.

376. Amazon owed a duty of care to prevent its customers from purchasing cyanide in the United States through Amazon's website and breached that duty.

377. Amazon owed a duty of care to prevent its sellers from offering and/or selling banned hazardous substances in the United States and breached that duty.

378. Amazon introduced and/or delivered for introduction or caused to be introduced and/or delivered for introduction into interstate commerce the cyanide.

379. Amazon knew or should have known that Thailand Defendants offered for sale, assigned product categories, wrote product descriptions and sold cyanide to customers through Amazon's website prior to and including December 7, 2012.

380. Amazon knew or should have known that sellers on its website sold banned hazardous substances, including cyanide, prior to December 7, 2012.

381. Amazon's negligence, by and through its agents, servants, employees and/or ostensible agents, consisted of but is not limited to:

- a) possessing the capabilities to block the offer and/or sale of all cyanide purchases through its website but choosing not to use those capabilities until February 2, 2013;
- b) failing to adequately use a catalog system to identify and prevent the listing of products indicating they contain cyanide;
- c) permitting the cyanide to be offered and/or sold through its website;
- d) processing payment for the cyanide sale;
- e) receiving and holding sales proceeds on Thailand Defendants' behalves;
- f) remitting sales proceeds to Thailand Defendants' for the sale of the cyanide;
- g) failing to withhold payment or otherwise delay the transaction for the cyanide;
- h) failing to ask Thailand Defendants to stop or cancel the order for the cyanide;
- i) receiving in interstate commerce the cyanide and delivering or proffering delivery of the cyanide;
- j) creating certain product categories, none of which included a product category for prohibited items, illegal products or banned hazardous substances;
- k) permitting Thailand Defendants to assign the cyanide to the product category "kitchen";
- l) failing to monitor Thailand Defendants' product category assignment and product description for the cyanide;
- m) failing to monitor product descriptions and listings for prohibited items, illegal products or banned hazardous substances;
- n) failing to monitor third party sellers who sell prohibited items, illegal products or banned hazardous substances;
- o) failing to keyword search for product descriptions containing prohibited items, illegal products or banned hazardous substances;
- p) failing to use automated software to keyword search for product descriptions containing prohibited items, illegal products or banned hazardous substances;
- q) improperly or inadequately using automated software to search for product descriptions containing prohibited items, illegal products or banned hazardous substances;
- r) requiring that sellers, but not Amazon, assign products to product categories;
- s) requiring that sellers, but not Amazon, write product descriptions;
- t) modifying the content of Thailand Defendants' posting of the cyanide and its product description;
- u) failing to remove Thailand Defendants' offer of sale of the cyanide, ban the offer of sale or ban the seller from posting any offers of sale;
- v) prior to December 7, 2012, failing to remove all Thailand Defendants' product offers from Amazon's website;
- w) prior to December 7, 2012, failing to remove Thailand Defendants as sellers on Amazon;
- x) failing to identify and prevent the offer and/or sale of products that contain cyanide;
- y) failing to monitor Thailand Defendants' sales through Amazon's website;
- z) failing to monitor the Amazon website and remove offers for sale of banned hazardous substances;

- aa) failing to block offers and/or sales of products with a product description containing the word “cyanide”, regardless of product classification by sellers;
- bb) failing to use software that flags search results for prohibited items, illegal products or banned hazardous substances;
- cc) improperly or inadequately using software that flags search results for prohibited items, illegal products or banned hazardous substances;
- dd) failing to require that sellers who sell banned hazardous substances use Amazon’s fulfillment services shipping services;
- ee) failing to ensure that sellers comply with all applicable federal and state statutes, laws, rules and regulations;
- ff) failing to request shipping information for banned hazardous substances from Thailand Defendants;
- gg) failing to do anything to stop the Thailand Defendants from shipping the cyanide to Arya;
- hh) debiting a fee out of the proceeds of the sale of the cyanide;
- ii) failing to monitor the processing of payment transactions for banned hazardous substances;
- jj) verifying, approving and otherwise confirming the sale of the cyanide to Arya;
- kk) failing to enforce and/or adhere to its policies and procedures for prohibiting offers and/or sales of prohibited items, illegal products or banned hazardous substances prior to February 2, 2013;
- ll) failing to block offers and/or sales of prohibited items, illegal products or banned hazardous substances prior to February 2, 2013;
- mm) failing to notify consumers, including but not limited to Arya, of Amazon’s February 2, 2013, change in its policies and procedures related to banned hazardous substances;
- nn) failing to notify law enforcement or government authorities of illegal sales of banned hazardous substances prior to December 7, 2012;
- oo) failing to have any policies and procedures regarding product listings, offers of sale, product sales and payment transaction processes that trigger internal review and confirmation for prohibited items, illegal products or banned hazardous substances;
- pp) failing to prevent Arya from committing suicide, given the totality of circumstances and Amazon’s undertakings as alleged herein; and
- qq) otherwise failing to adhere to any and all of Amazon’s policies and procedures.

382. At all relevant times herein it was the policy and procedure of Amazon to monitor and advise customers such as Arya of the increased risks of harm of their purchases.

383. At no time did Amazon advise, counsel or alert Arya she was at an increased risk of harm.

384. At all relevant times herein it was the policy and procedure of Amazon to monitor and contact sellers who offered or sold prohibited items, illegal products or banned hazardous substances in the United States.

385. At no time did Amazon monitor or contact Thailand Defendants regarding their offers and sales of banned hazardous substances.

386. Amazon's conduct posed a grave risk to human life and safety.

387. Amazon's aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

NEGLIGENT HIRING, TRAINING, SUPERVISION, RETENTION AND COORDINATION OF RESOURCES AGAINST AMAZON DEFENDANTS

388. At all times relevant herein, Amazon's employees acted within the scope of their authority and employment as agents, officers and/or employees of Amazon.

389. Amazon failed to exercise reasonable care in its hiring, training, supervision and retention of its employees.

390. Amazon knew or should have known that its employees were dangerous, careless, incompetent, and inadequately trained and monitored and their employment could foreseeably lead to harm of a third person.

391. Amazon knew or should have known that its corporate structure was decentralized and lacked systematic coordination of its resources, making it difficult for Amazon employees to know who was responsible for and how to properly prevent offers and sales of prohibited items, illegal products and banned lethal substances through its website in the United States.

392. Amazon knew or should have known that its corporate structure could foreseeably lead to harm of its customers.

393. At all times relevant herein, it was reasonably foreseeable to Amazon that its employees would be confronted with situations similar to the one involving Arya's purchase of cyanide through its website. It was reasonably foreseeable to Amazon that:

- a) sellers would offer and sell prohibited items, illegal products and banned hazardous substances, including but not limited to cyanide, through Amazon's website in the United States;
- b) customers would attempt to purchase prohibited items, illegal products and banned hazardous substances, including but not limited to cyanide, through Amazon's website; and
- c) sales of prohibited items, illegal products and banned hazardous substances, including but not limited to cyanide, would require payment authorization by Amazon.

394. Amazon caused, developed, created, instituted and/or maintained certain policies and procedures.

395. Amazon's negligence, by and through its agents, servants, employees and/or ostensible agents, consisted of but is not limited to either not having policies and procedures; establishing inadequate policies and procedures; failing to follow established policies and procedures; changing policies and procedures; failing to train and supervise employees in how to follow policies and procedures; and/or failing to train and supervise employees about the changes in policies and procedures related to:

- a) blocking offers and/or sales of all cyanide products through its website, including but not limited to those sold by Thailand Defendants;
- b) blocking offers and/or sales of prohibited items, illegal products or banned hazardous substances through its website;
- c) creating product description categories;
- d) monitoring sellers' assignments of product categories;
- e) using a catalog system to identify and prevent the offer and/or sale of products indicating they contain cyanide;
- f) using a keyword search for product descriptions containing prohibited items, illegal products or banned hazardous substances in the United States;
- g) prohibiting sellers from offering and/or selling prohibited items, illegal products or banned hazardous substances through the website;
- h) authorizing and processing payments made for sales of prohibited items, illegal products or banned hazardous substances;

- i) refusing to process, stopping or cancelling transactions related to sales of prohibited items, illegal products or banned hazardous substances;
- j) prohibiting sellers from offering and/or selling products containing cyanide through Amazon's website;
- k) coordinating Amazon's resources and employees to respond and intervene when offers and sales of prohibited items, illegal products or banned hazardous substances are made through Amazon's website in the United States;
- l) contacting customers who had purchased prohibited items, illegal products or banned hazardous substances;
- m) contacting law enforcement or government authorities regarding offers and sales of prohibited items, illegal products or banned hazardous;
- n) investigating known violations of its policies and procedures, terms of use, and/or Business Solutions Agreement related to offers of sale and sales of prohibited items, illegal products or banned hazardous substances;
- o) internal review and confirmation of product listings, offers of sale, purchases and payment transactions for prohibited items, illegal products or banned hazardous substances; and
- p) otherwise failing to follow and failing to train employees in how to follow established policies and procedures.

396. At all relevant times herein it was the policy and procedure of Amazon to monitor and advise customers such as Arya of the increased risks of harm of their purchases.

397. At no time did Amazon advise, counsel or alert Arya that she was at an increased risk of harm.

398. At all relevant times herein it was the policy and procedure of Amazon to monitor and contact sellers who offered or sold prohibited items, illegal products or banned hazardous substances in the United States.

399. At no time did Amazon monitor or contact Thailand Defendants regarding their offers and sales of banned hazardous substances in the United States.

400. Amazon's aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

NEGLIGENCE AGAINST THAILAND DEFENDANTS FOR SELLING CYANIDE

401. Thailand Defendants engaged in the business of offering for sale and selling products to consumers through Amazon's website in the United States.

402. Thailand Defendants knew or should have known that there were prior and subsequent suicides and/or deaths of persons who purchased cyanide from Thailand Defendants.

403. At all relevant times herein and for an unknown period of time prior to, Thailand Defendants sold cyanide and/or other banned hazardous substances through Amazon's website in the United States, beginning in May 28, 2012 and/or for some unknown time prior thereto.

404. Thailand Defendants knew or should have known that soluble cyanide salts are a banned hazardous substance in the United States.

405. At all relevant times herein and for an unknown period of time prior to, Thailand Defendants knew or should have known that some consumers who purchased cyanide on Amazon's website from Thailand Defendants died shortly after their purchase.

406. Thailand Defendants knew or should have known that soluble cyanide salts, when ingested, are fatal.

407. Thailand Defendants knew or should have known that soluble cyanide salts in the quantity purchased by Arya, when ingested, is fatal.

408. Thailand Defendants introduced and/or delivered for introduction or caused to be introduced and/or delivered for introduction into interstate commerce the cyanide.

409. Thailand Defendants had a duty to comply with United States' federal and state statutes, laws, rules and regulations governing banned hazardous substances.

410. Thailand Defendants had a duty to comply with 16 C.F.R. § 1500.17(5) and breached that duty.

411. Thailand Defendants had duty to comply with 15 U.S.C. §§ 1263(a) and (c) and breached that duty.

412. Thailand Defendants had a duty to comply with U.S. Consumer Product Safety Commission rules and breached that duty.

413. Thailand Defendants' negligence, by and through its agents, servants, employees and/or ostensible agents, consisted of but is not limited to:

- a) offering the cyanide for sale on Amazon's website;
- b) selling the cyanide to Arya;
- c) failing to adhere to the Business Solutions Agreement and other rules of Amazon's website governing third party sellers;
- d) creating the cyanide product description;
- e) modifying or otherwise changing the cyanide product description;
- f) placing the cyanide in the kitchen product category;
- g) receiving payment for the cyanide;
- h) packaging the cyanide for delivery to Arya;
- i) delivering or causing the cyanide to be delivered to Arya;
- j) delivering or proffering delivery of the cyanide in exchange for financial consideration paid by Arya;
- k) delivering or proffering delivery of the cyanide in exchange for financial consideration paid by Amazon; and
- l) failing to prevent Arya from committing suicide, given the totality of circumstances and Thailand Defendants' negligence as alleged herein.

414. At all relevant times herein it was the policy and procedure of Thailand Defendants to monitor and advise customers such as Arya of the increased risks of harm of their purchases.

415. At no time did Thailand Defendants advise, counsel or alert Arya that she was at an increased risk of harm or of potential risk reduction methods.

416. Thailand Defendants' conduct posed a grave risk to human life and safety.

417. Thailand Defendants' aforesaid negligence, carelessness, gross negligence and reckless disregard for Arya's safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

COUNT I – WRONGFUL DEATH

418. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein at length.

419. Plaintiff brings this action on behalf of all persons entitled by law to recover damages for the death of Arya Singh, pursuant to Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. § 8301.

420. Decedent is survived by her mother Sujata Singh, father Narendra Singh and sister Shweta Singh.

421. Plaintiff claims damages for the pecuniary losses suffered by the decedent's survivors by reasons of her death as well as reimbursement for hospital, nursing, medical, funeral expenses and the expenses of the administration of her Estate and all of the other proper losses under law.

422. No recovery for the same damages was had during the lifetime of decedent.

423. The Defendants' carelessness, negligence, gross negligence, misconduct and reckless disregard for Arya's life and safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

424. Plaintiff seeks punitive damages for the Defendants' outrageous conduct, evil motive or reckless indifference to the rights of others, as set forth herein. Further, the Defendants' actions as set forth herein were so outrageous as to demonstrate willful, wanton or reckless conduct.

WHEREFORE, Plaintiff Sujata Singh demands judgment in her favor and against Defendants, jointly and severally, in an amount in excess of \$50,000.00, together with interest, costs and attorney fees, punitive damages and other such relief as the Court deems just and appropriate.

COUNT II – SURVIVAL ACTION

425. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein at length.

426. Plaintiff brings this action on behalf of the Estate of Arya Singh, deceased, pursuant to the Pennsylvania Survival Act, 42 Pa. C.S.A. § 8302, and claims on behalf of the Estate of Arya Singh, all damages recoverable by law, including but not limited to pain and suffering which the decedent suffered before her death, loss of earnings and earning capacity suffered by the decedent from the date of her death until such time in the future as she probably would have lived and the total limitation and deprivation of the Plaintiff's decedent's normal activities, pursuits and pleasures from the date of her death until such time in the future as she probably would have lived but for the conduct of Defendants.

427. The Defendants' carelessness, negligence, gross negligence, misconduct and reckless disregard for Arya's life and safety were a substantial factor in causing and increased the risk of harm that her injuries and death would occur.

428. Plaintiff seeks punitive damages for the Defendants' outrageous conduct, evil motive or reckless indifference to the rights of others, as set forth herein. Further, the Defendants' actions as set forth herein were so outrageous as to demonstrate willful, wanton or reckless conduct.

[CONTINUED ON NEXT PAGE TO INCLUDE SIGNATURE]

WHEREFORE, Plaintiff Sujata Singh demands judgment in her favor and against Defendants, jointly and severally, in an amount in excess of \$50,000.00, together with interest, costs and attorney fees, punitive damages and other such relief as the Court deems just and appropriate.

COHEN, PLACITELLA & ROTH, P.C.


BY: _____
STEWART L. COHEN, ESQUIRE
JON D. RUBINSTEIN, ESQUIRE
JAMES G. BEGLEY, ESQUIRE
Attorneys for Plaintiff

DATED: July 22, 2015

VERIFICATION

I, SUJATA SINGH, having read the foregoing Complaint, verify that the averments are based on information furnished to counsel and/or upon information which has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of signer. Signer verifies that she has read the foregoing and that it is true and correct to the best of her knowledge, information and belief. To the extent that the contents of the foregoing documents are that of counsel, signer has relied upon counsel in making this verification. This verification is made subject to the penalties 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



SUJATA SINGH

DATED: 7/17/15