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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR SANTA CLARA COUNTY

14 AMIR WEINER, JULIA ERWIN-WEINER,) Case No. 21CV391881
and YA’EL WEINER,)
15) **WRONGFUL DEATH ACTION**
16 Plaintiffs,) **DEMAND FOR JURY TRIAL**
17 vs.)
18 LELAND STANFORD JUNIOR UNIVERSITY,)
THETA DELTA CHI FOUNDERS’)
19 CORPORATION, MATTHEW MING)
CARPENTER, COLE WESTON)
20 DILL-DE SA, MUHAMMAD YUSUF)
KHATTAK, and WILLIAM CORBITT)
21 MITCHELL,)
22 Defendants.)
23)

24 Plaintiffs Amir Weiner, Julia Erwin-Weiner, and Ya’el Weiner, individually, sue Defendants
25 Leland Stanford Junior University, Theta Delta Chi Founders’ Corporation, Matthew Ming
26 Carpenter, Cole Weston Dill-De Sa, Muhammad Yusuf Khattak, and William Corbitt Mitchell and
27 allege as follows:
28

1 **INTRODUCTION**

2 1. In the early morning hours of January 17, 2020, nineteen-year-old Eitan Michael Weiner
3 died alone in a bathroom stall at the Theta Delta Chi (“TDX”) fraternity house on the Stanford
4 University campus. Although Eitan’s body lay just a few feet away, not one of his roommates, let
5 alone anyone else in this busy house, sounded an alarm. A janitor would eventually find Eitan’s
6 body later that morning when she went inside to clean the bathroom. Sadly, this tragedy – which
7 was years in the making – could have easily been prevented.

8
9 2. If Stanford University had taken the Santa Clara District Attorney’s multiple Public
10 Health
11 Warnings issued in September 2019 regarding counterfeit Percocet seriously, Eitan would still be
12 alive.

13
14 3. If Stanford had followed its own policies and procedures and intervened when Eitan
15 suffered an apparent drug overdose on January 15, 2020 – just two days before his death – he would
16 still be alive.

17 4. If key university officials in a unique position to safeguard the health and welfare of
18 students and other community members including, but certainly not limited to, Stanford’s Vice-
19 Provost, Residence Deans, and police officers, had taken the necessary steps to enforce their own
20 policies and procedures, as well as the law, Eitan would still be alive.

21
22 5. If Stanford had removed the Theta Delta Chi Fraternity from campus in the face of
23 continuous violations of the university’s policies sooner instead of pandering to donors and other
24 interested parties, Eitan would still be alive.

25 6. If Theta Delta Chi had followed its own policies and procedures after the events of
26 January
27 15, 2020, Eitan would still be alive.

1 7. And if Matthew Ming Carpenter and the other individually named defendants had not
2 been
3 allowed to purchase, sell, and distribute controlled substances on campus without restriction, Eitan
4 would still be alive.

5 8. This case highlights the yawning gap between Stanford and Theta Delta Chi's written
6 policies and the actions these institutions take to enforce their policies. But it also underscores the
7 dangers that both the university and the fraternity are ignoring by underplaying and condoning the
8 use and abuse of drugs on campus and within the fraternity/sorority system.

9 9. Stanford long knew that it had a problem with drugs on its campus. Moreover, the
10 university knew that it had an acute problem with drug use among members of the Greek
11 community. And within that select community, Stanford knew that it had a serious problem with
12 TDX. Yet, despite the incontrovertible evidence, the university continued to allow TDX and its
13 members to engage in reckless and illegal conduct for years. Sadly, even after Eitan's death,
14 Stanford would still drag its feet in taking action against this toxic organization.

15 10. By September 2019, Stanford knew that there was a serious drug problem on campus.
16 More importantly, thanks to the multiple warnings issued by the Santa Clara District Attorney's
17 Office, Stanford knew that counterfeit Percocet posed a danger to members of its community. By
18 January 15, 2020, Stanford and TDX knew that one of its students and members had come into
19 contact with a potentially lethal substance. Yet, neither Stanford, nor TDX took any action. Maybe
20 the university and the fraternity had become so used to a culture of drug use that they saw no need
21 to take any action; perhaps those in charge were hamstrung by their own conflicts of interest; or
22 maybe those responsible for the health and safety of the community just decided to look the other
23 way. Whatever the reason, as a result of the defendants' individual and combined negligence, Eitan
24 Weiner died on January 17, 2020.

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JURISDICTION AND VENUE

1 initiation fees for all new members as well as service fees payable by each chapter or charge on a
2 yearly basis. As of the filing of this Complaint, the Stanford Chapter appears under TDX’s list of
3 “active charges” on its website with the notation that it has been “suspended.”¹

4 17. Defendant Matthew Ming Carpenter is an adult residing in the State of California. On or
5 about August 27, 2021, Carpenter, who was then a student at Washington University in St. Louis,
6 Missouri, was arrested on a warrant obtained by the Santa Clara County Office of the District
7 Attorney on drug-related charges. The charges arose out of his illegal sale of a controlled substance
8 that caused the death of Eitan Michael Weiner. Following his arrest in Missouri, Carpenter was
9 extradited to Santa Clara County to answer the charges against him. Carpenter has admitted
10 procuring and selling the counterfeit Percocet that resulted in Eitan Weiner’s death.

11 18. Defendant Cole Dill-De Sa is an adult residing in California. Dill De-Sa is an
12 undergraduate student at Stanford University and previously lived with decedent Eitan Michael
13 Weiner at the Theta Delta Chi fraternity house on the campus of Stanford University. Dill-De Sa
14 aided and abetted Defendant Carpenter in purchasing, distributing, and furnishing the controlled
15 substance that resulted in Eitan’s death.

16 19. Defendant William Mitchell is an adult residing in California. Mitchell is an
17 undergraduate student at Stanford University and previously lived with Decedent Eitan Michael
18 Weiner at the Theta Delta Chi fraternity house on the campus of Stanford University. Mitchell
19 aided and abetted Defendants Carpenter and Dill-De Sa in purchasing, distributing, and furnishing
20 the controlled substance that resulted in Eitan’s death.

21 20. Defendant Muhammad Khattak is an adult residing in California. Khattak is an
22 undergraduate student at Stanford University and previously lived with Decedent Eitan Michael
23 Weiner at the Theta Delta Chi fraternity house on the campus of Stanford University. Khattak aided
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28 ¹ https://www.thetadeltachi.net/index.php?option=com_content&view=article&id=127&Itemid=532 (last visited
Nov. 23, 2021).

1 and abetted Defendants Carpenter, Dill-De Sa, and Mitchell in purchasing, distributing, and
2 furnishing the controlled substance that resulted in Eitan’s death.

3 **FACTS**

4 **The Santa Clara District Attorney Issues Multiple Public Health Warnings**

5 21. The Santa Clara County Office of the District Attorney issued Public Health Warnings
6 on
7 September 10, 2019, and again on September 24, 2019. The District Attorney warned that “[s]ince
8 June 2019, Law Enforcement Agencies in Santa Clara County have seized a large number of
9 counterfeit 30-milligram Percocet pills that contain Fentanyl – not oxycodone hydrochloride – as
10 their sole active ingredient.” The District Attorney noted that “seizures have occurred all across the
11 county . . .” Notably, the warning stated that “[n]umerous fatal overdoses have been tied to these
12 tablets, with a strong uptick in fatal overdoses in August 2019.”
13

14 22. Although it had the ability to quickly do so, Stanford did not widely and effectively
15 distribute this warning to students, faculty, and employees across the university.
16

17 **Stanford Carefully Regulates Student Conduct & Behavior**

18 23. The “Fundamental Standard” has set the standard for student conduct at Stanford since
19 1896.²
20 The standard dictates that “Students at Stanford are expected to show both within and without the
21 University such respect for order, morality, personal honor and the rights of others as is demanded
22 of good citizens. Failure to do this will be sufficient cause for removal from the University.”³

23 24. According to Stanford, the “Fundamental Standard” represents “an aspirational
24 statement” of its “ideal of civic and moral community.”⁴ Today, this means refraining from
25
26

27 ² <https://communitystandards.stanford.edu/policies-and-guidance/fundamental-standard> (last visited Nov. 2,
28 2021).

³ *Id.*

⁴ *Id.*

1 discrimination, protecting free speech, demanding intellectual honesty, and respecting “university
2 policies as well as state and federal law.”⁵

3 25. The “Fundamental Standard” dictates that students may be subject to discipline for “acts
4 of misconduct” including (a) violations of university policy, (b) specific university directives, (c)
5 applicable law, and/or (d) alcohol and drug-related violations.⁶

6 26. Although “[t]here is no standard penalty that applies to violations of the ‘Fundamental
7 Standard,’” students who violate its provisions have been subjected “to penalties ranging from
8 formal warning and community service to expulsion.”⁷

9 27. Almost eight months after Eitan’s death, Stanford implemented a revised Student
10 Alcohol and Other Drugs Policy.⁸ According to the policy, Stanford maintains “a drug-free
11 workplace and campus.”⁹ The policy further states that “[p]ossession of stimulants, depressants, and
12 other agents having potential for abuse . . . or distribution of such agents, is forbidden by university
13 policy and local, state and/or federal law and is prohibited on Stanford University premises, or as
14 part of any university activity.”¹⁰ The policy adds that “[s]elling, transferring, exchanging, giving
15 away or in any way distributing controlled substances is illegal and prohibited and is considered an
16 egregious violation of this policy.”¹¹

17 28. Stanford’s new alcohol and drug policy represents little more than a face-saving
18 measure in the wake of Eitan’s death. The university has known for years that it had a serious
19 problem with drug and alcohol abuse on its campus, especially among members of its Greek
20 community. Rather than implement new policies, the university should have simply enforced those
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22
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24

25 ⁵ *Id.*

26 ⁶ *Id.*

27 ⁷ *Id.*

28 ⁸ <https://studentaffairs.stanford.edu/student-alcohol-and-other-drugs-policy> (last visited Nov. 23, 2021).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

1 polices in effect at the time of Eitan’s initial drug overdose on January 15, 2020 and his death on
2 January 17, 2020.

3 **A Culture of Drug and Alcohol Abuse Has Infected Stanford’s Campus**

4 29. In early 2019, Stanford conducted a survey of drug and alcohol use among its
5 undergraduate student population.¹² In total, 1,503 students responded to the survey.
6

7 30. Among the survey’s disturbing revelations:

- 8 • approximately half of the respondents reported consuming alcohol “on 3 or more
9 days during the prior 30 days,”¹³
- 10 • of the undergraduates who reported drinking regularly, “many drink in a way that
11 puts them at risk for negative outcomes,”¹⁴
- 12 • “the typical locations” for alcohol consumption are “residential (i.e., student dorms
13 or house rooms),”¹⁵ and
- 14 • 12% of undergraduates reported using drugs other than alcohol, marijuana, or
15 nicotine, such as opiates/opioids (i.e., Vicodin, Oxycontin, etc.).¹⁶
16

17 31. According to the survey, “[s]tudents who self-report being a member of a fraternity or
18 sorority (Greek) have higher rates of drinking, smoking, and using drugs.”¹⁷ Notably, “[a] fifth
19 (21%) of Greek students have used drugs at least once in the past 12 months.”¹⁸ Even more
20 disturbing is the fact that of those students who self-reported as members of the Greek community,
21 21% reported using drugs other than alcohol, marijuana, or nicotine.¹⁹
22

23 _____
24 ¹² [https://tableau.stanford.edu/t/IRDS/views/OAPEAlcoholandDrugSurvey2019PublicRelease_15841338808170/
25 StanfordAlcoholandDrug2019SurveyFindings?:embed=y#1](https://tableau.stanford.edu/t/IRDS/views/OAPEAlcoholandDrugSurvey2019PublicRelease_15841338808170/StanfordAlcoholandDrug2019SurveyFindings?:embed=y#1) (last visited November 2, 2021).

26 ¹³ *Id.*

27 ¹⁴ *Id.*

28 ¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

1 32. Although Stanford presented the survey results in a way that would emphasize alcohol
2 use
3 and de-emphasize drug use (other than marijuana/cannabis use), the fact remains that opioid use
4 presented a unique threat to members of Stanford’s campus.

5 **Alcohol and Drug Abuse at Theta Delta Chi Fraternity**

6 33. As Stanford’s own 2019 survey confirmed, alcohol and drug abuse are especially
7 problematic within Stanford’s Greek organizations.

8 34. Theta Delta Chi, one of Stanford’s oldest fraternities, offers a stark example of the
9 problem. Just one year before Eitan’s death, *The Stanford Daily* reported that TDX would lose its
10 on-campus housing at the end of that academic year.²⁰ The university publication noted that
11 “‘[l]ong-standing concerns’ about alcohol consumption, including ‘several’ investigations within
12 the past year, were among the University’s main concerns about TDX”²¹

13 35. For at least five years, TDX had been cited by Stanford for numerous violations of its
14 own policies.²² In 2015, TDX received a low score as part of Stanford’s newly created Standards of
15 Excellence (“SOE”) program. The university created the SOE program during the 2015-2016
16 school year shortly after another fraternity lost its housing and amid heightened national scrutiny of
17 Greek organizations’ conduct.²³ This was only the beginning:

- 18 • Fall 2016 – TDX received a designation of “Needs Improvement” for the SOE
19 review covering 2015-2016 academic year,
- 20 • July 7, 2017 – TDX notified that it received a score of “Needs Improvement” as part
21 of its 2017 SOE review,

22 ²⁰ <https://www.stanforddaily.com/2019/01/20/tdx-fraternity-to-lose-housing-2/> (last visited Nov. 2, 2021).

23 ²¹ *Id.*

24 ²² *Id.*

25 ²³ *Id.*

- 1 • Fall 2017 – TDX received a designation of “Needs Improvement” for the SOE
2 review covering the 2016-2017 academic year,
- 3 • March 25, 2018 – After its 2018-2019 housing was originally threatened, TDX is
4 given yet another year to improve,
- 5 • October 1, 2018 – TDX is reminded that failure to improve its SOE score “may
6 result” in the loss of housing,
- 7 • January 12, 2019 – TDX is informed that it has been placed on probation for winter
8 quarter 2019, and that its failure to improve may result in the loss of university
9 recognition, and
- 10 • January 18, 2019 (nearly one year to the day before Eitan’s death) – TDX is notified
11 that it is losing its housing.
12
13

14 36. TDX, however, did not lose its housing, benefiting, yet again, from Stanford’s “just one
15 more chance” attitude and lax enforcement of its own policies. In a message to Stanford’s Greek
16 community, Susie Brubaker-Cole, Vice President for Student Affairs, announced that the university
17 had “discovered a flaw in the procedural guidelines that led to the decision to unhouse TDX.”²⁴
18 Accordingly, Ms. Brubaker-Cole “vacated”²⁵ the decision to remove TDX from campus.
19

20 37. Despite the fact that TDX has been a serial violator of Stanford’s policies and
21 procedures for years and had seemingly dodged yet another bullet on little more than a technicality,
22 Ms. Brubaker-Cole felt it necessary to apologize for “the tremendous stress this has caused the TDX
23 community”²⁶ Failing to appreciate the irony in her statement, Ms. Brubaker-Cole expressed
24 relief that TDX members would now be able “to turn their attention to other matters.”²⁷

25 **Eitan Weiner Suffers a Drug Overdose on January 15, 2020 While on Stanford’s Campus**
26

27 ²⁴ <https://studentaffairs.stanford.edu/news/tdx-standards-excellence-decision> (last visited Nov. 23, 2021).

28 ²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

1 38. On or about January 15, 2020, Eitan received a package addressed to him at the Theta
2 Delta Chi Fraternity house on Stanford University’s campus. The package contained a bottle of
3 counterfeit Percocet that he and Defendants Dill De-Sa, Khattak, and Mitchell purchased from
4 Defendant Carpenter.

5 39. In the early evening hours of January 15th, TDX’s Resident Assistant (“RA”) Tim
6 Michael, a student and member of the TDX fraternity who is employed by Stanford, learned that
7 Eitan had lost both speaking and motor functions. Both are symptoms of a Fentanyl overdose.

8 40. The RA contacted Stanford’s Residence Dean (“RD”) assigned to the TDX house to
9 report the situation. The RD directed the RA to dial 9-1-1. The RD, however, did not take any
10 immediate actions, instead suggesting that the RA contact the “on call” RD. This anemic response
11 violated Stanford’s Residential Education policies.
12

13 41. When first responders arrived, Eitan declined further medical care. At the same time,
14 and contrary to the Fundamental Standard and Stanford’s other policies and procedures, as well as
15 TDX’s policies and procedures, and state and federal law, Defendants Dill De-Sa, Khattak, and
16 Mitchell actively concealed evidence and misled first responders and others regarding the presence
17 of controlled substances within the TDX house, the distribution of controlled substances from the
18 TDX house, and their and Eitan’s use of controlled substances.
19

20 42. Stanford took no further action even though the distribution, dispensation, possession, or
21 use of a controlled substance is considered an “egregious” violation of campus policy and may
22 result in disciplinary sanctions up to and including expulsion.
23

24 43. Like Stanford, TDX has its own policies regarding alcohol and drug use. In 2004, TDX
25 issued a “Statement of Position on Alcohol and Drugs.”²⁸ The Statement noted TDX’s concern
26 with “the increasing consumption and abuse of alcoholic beverages and drugs on college
27

28 ²⁸ https://www.thetadeltachi.net/images/stories/positions/Statement_of_Position_on_Alcohol_and_Drugs.pdf
(last visited Nov. 11, 2021).

1 campuses,” it noted the fraternity’s belief that the “dangers of alcohol abuse and drugs are matters
2 deserving to be addressed,” and made clear TDX’s belief “that a fraternity without morally sound
3 principles and practices is not a constructive influence on college people.”²⁹

4 44. Among other things, TDX’s drug and alcohol policy statement provided that:

- 5 • “The possession, sale, or use of any illegal drugs or controlled substances while on
6 Charge or colony premises or during a fraternity event or a [sic] any event that an
7 observer would associate with the fraternity, is strictly prohibited,”³⁰ and
- 8 • “The possession, sale, and/or use of any illegal or controlled substances by any
9 member, or pledge/new member is strictly prohibited, and under Article XVII,
10 Section 1. (f) of the By-laws of Theta Delta Chi is an offense worthy of expulsion
11 from the fraternity.”³¹

12
13
14 45. In addition to its policy statement, TDX has a Crisis Management Plan³² that governs
15 critical situations. Under the plan, when a crisis arises:

- 16 • The Charge president is in charge “until he is relieved by the Charge Advisor,
17 Alumni/House Corporation Officer, or Fraternity representative.”³³ If the president
18 is absent, “the next highest-ranking Charge officer should assume these duties,”³⁴
- 19 • The Charge president is required to “[c]ontact the proper authorities (i.e. police, fire,
20 ambulance, etc.) immediately,”³⁵
- 21 • If the emergency has occurred “in or around the Charge facility,” it “should be
22 closed and secured immediately.”³⁶ The Crisis Management Plan requires that

24
25 ²⁹

Id.

³⁰

Id.

26 ³¹

Id.

³²

https://www.thetadeltachi.net/images/stories/plans/Crisis_Management_Plan.pdf (last visited Nov. 11, 2021).

27 ³³

Id.

³⁴

Id.

28 ³⁵

Id.

³⁶

Id.

1 “[a]ny guests in the Charge House should be removed. Only members, appropriate
2 supervisory personnel, and proper authorities should be allowed admittance,”³⁷

- 3 • In addition to contacting the “proper authorities,” the President should notify (1)
4 TDX’s Chief Financial Officer (2) the Chapter Advisor; (3) an Alum/House
5 Corporation President; (4) the insurance agent (Kirkland and Co., LLC); and (5) the
6 Greek Advisor,³⁸ and
7
- 8 • The president “should call a meeting of all members, including pledges, to inform
9 them of the emergency and to review the crisis plan.”³⁹

10 46. The final two points in TDX’s crisis plan focus on ensuring that members “make no
11 statements, comments, suggestions or remarks” regarding the crisis.⁴⁰ Only the president is
12 authorized to speak for TDX and the Crisis Management Plan contains a statement to be issued in
13 response to any inquiries.⁴¹

14

15 47. Contrary to its own stated policies and procedures, TDX, like Stanford, took no further
16 action in response to Eitan’s drug overdose on January 15, 2020.

17 **Eitan Weiner Dies of a Drug Overdose Inside the TDX House on Stanford’s Campus**

18 48. In the early morning hours of January 17, 2020, Eitan Michael Weiner died of Fentanyl
19 toxicity and blunt force trauma to his head.

20

21 49. Hours after his death, a janitor discovered Eitan’s body in one of the bathrooms at the
22 TDX fraternity house.

23 50. A police officer who responded to the scene found Eitan’s body on the floor in front of
24 the toilet. There was a mucus substance around his nose and mouth. The officer also observed a
25

26 _____

27 ³⁷ *Id.*

28 ³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

1 dried red substance that appeared to be blood on a nearby wall. There was a rolled up \$5 bill on the
2 floor near Eitan’s body. On top of the paper towel dispenser, the officer saw an unknown blue
3 powder.

4 51. One of the responding police officers discovered a pill bottle in Eitan’s room. The bottle
5 contained several different types of pills. The blue pill had an “M” outlined by a square. The
6 opposite side had a score mark with “30” above the line. The color of the blue pill was similar to
7 the powder located the paper towel in the bathroom.

8 92. These pills matched the description of pills that have been tied to several deaths
9 involving Percocet laced with Fentanyl.

10 53. Even after discovering a controlled substance inside the fraternity house, neither
11 Stanford, nor TDX took any meaningful action. No effort was made to shutter TDX, remove its
12 members from the home given the discovery of lethal controlled substances on its premises, or
13 otherwise ensure that its members and the surrounding community were safe. Even worse, the
14 university failed to again widely and effectively warn the Stanford community of the presence of
15 counterfeit Percocet on its campus as outlined in the Santa Clara District Attorney’s Public Health
16 Warnings of September 2019. Both Defendant TDX as well as Defendants Dill De-Sa, Khattak,
17 and Mitchell, would ultimately be allowed to continue operating in and attending Stanford for more
18 than one year without any obvious or significant consequences.

19
20
21
22 **Stanford Removes TDX From Campus**

23 54. It took the death of Eitan Weiner for Stanford University to finally enforce its own
24 policies and procedures against TDX.

1 55. On March 22, 2021, Stanford officials publicly announced that TDX would lose
2 university recognition for six years.⁴² The loss of recognition also meant that the fraternity would
3 no longer occupy its house on Stanford’s campus.⁴³ Although this amounted to little more than a
4 slap-on-the-wrist, it improved on the original three-year suspension authorized by Vice-Provost
5 Susie Brubaker-Cole who failed to quickly take steps to investigate the events surrounding Eitan’s
6 death.
7

8 56. Once again, Stanford officials downplayed the seriousness of the drug problem on
9 campus and within its Greek organizations. According to Stanford’s public announcement, the
10 investigation began when the Office of Community Standards “received a concern regarding illicit
11 substances in the TDX fraternity house.”⁴⁴ The idea that the death of one of its own students inside
12 an on-campus fraternity house with a troubling history would be characterized as a “concern”
13 speaks to the university’s ongoing inability to address its drug problem.
14

15 57. Stanford’s investigation revealed that, yet again, TDX had violated a number of
16 university policies as well as state and federal laws. More specifically, the investigation confirmed
17 that the fraternity:

- 18 • violated the Fundamental Standard “by failing to report to professional staff the
19 alleged presence of illicit substances in their fraternity house,”
- 20 • violated the Fundamental Standard, the Controlled Substances and Alcohol policy,
21 and/or the 2019-2020 Residence Agreement “in regard to opioids that were allegedly
22 present in the house,” and
23

24
25
26
27 ⁴² <https://news.stanford.edu/report/2021/03/22/theta-delta-chi-organizational-decision/> (last visited Nov. 10,
28 2021).

⁴³ *Id.*

⁴⁴ *Id.*

- violated the Fundamental Standard, the Controlled Substances and Alcohol policy, the Stanford University Marijuana Policy and/or the 2019-2020 Residence Agreement “in regard to the marijuana that was allegedly present in the house.”⁴⁵

58. As in the past, Stanford yet again gave TDX another chance. In the very same document where it announced the troubling results of its investigation, the university noted that the fraternity would have thirty days to petition for reconsideration of the sanctions.⁴⁶

59. TDX appealed the sanctions imposed by Stanford. Its conduct during the appeal was shameful and only highlighted the need to remove this fundamentally corrupt organization from campus. During the appeal, TDX referred university officials to “facts” that proved to be “incomplete or inaccurate representations of the investigative report.”⁴⁷ “In particular,” the university noted inaccuracies in how TDX characterized what was told to and known by professional staff, what was known by and shared with EMTs, and student leadership’s knowledge of and role in the events.”⁴⁸

Matthew Ming Carpenter Sells Drugs to Stanford Students

60. On December 1, 2020, Defendant Carpenter provided law enforcement officers with the Santa Clara County Sheriff’s Office with a voluntary statement detailing his role in procuring controlled substances and facilitating their entry into and onto the campus of Stanford University.

61. During the interview, recorded on the officers’ body-worn cameras, Carpenter described his drug-dealing activities. This was not a one-off sale, but rather part of a longer and wider pattern of drug-dealing activity.

62. Carpenter admitted to selling controlled substances such as Oxycontin and Percocet to various students, including Eitan and his TDX roommates, Defendants Dill-De Sa, Khattak, and

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ <https://news.stanford.edu/report/2021/06/07/theta-delta-chi-appeal-denied/> (last visited Nov. 10, 2021).

⁴⁸ *Id.*

1 Mitchell. To make these purchases, Carpenter would access certain “marketplaces” dedicated to the
2 sale of controlled substances on the so called “dark web.”

3 63. The dark web is a part of the internet that is not indexed by search engines. It is a hotbed
4 of criminal activity where individuals like Defendant Carpenter, procure all manner of drugs, guns,
5 and stolen personal details such as credit card numbers and other forms of identification.
6

7 64. To access the dark web, Carpenter explained that he used the Tor browser. Tor is an
8 anonymizing browser that routes a user’s web page requests through a series of proxy servers
9 operated by thousands of volunteers around the globe, rendering an individual’s IP address
10 unidentifiable and untraceable.

11 65. The use of Bitcoin has allowed the dark web to flourish. Nearly all dark websites
12 transact business in Bitcoin or some variant.
13

14 66. In early January 2020, Carpenter accessed the dark web through the Tor browser. As he
15 had done in the past, Carpenter visited one of his preferred suppliers and placed an order for
16 Percocet and other controlled substances. He paid for the Percocet with Bitcoin. During his
17 interview with law enforcement officers, Carpenter made a point of stating that he was an active
18 currency trader. “It’s been good,” Carpenter boasted. “Especially the past couple of months. It’s
19 [sic] really picked up.”
20

21 67. Carpenter arranged to have the pills mailed to Eitan and his TDX roommates,
22 Defendants Dill-De Sa, Khattak, and Mitchell at their fraternity house on Stanford’s campus.

23 68. Carpenter agreed that the pills he sold likely caused Eitan’s death.

24 69. Carpenter accepted payment for the pills through Venmo, a mobile payment service.

25 70. After Eitan’s death, Carpenter, realizing his guilt, began destroying any evidence linking
26 him to this tragedy. He admitted to deleting electronic files and other evidence of his drug
27 purchases.
28

1 71. In the end, however, Carpenter admitted his guilt. Carpenter told Santa Clara County
2 Sheriff's deputies, "I think there's responsibility with myself."

3 72. Based on these voluntary statements, the Santa Clara County Sheriff's investigators
4 concluded that Carpenter committed a violation of Health and Safety Code 11379(a) by furnishing a
5 controlled substance.
6

7 73. As of the filing of this lawsuit, Carpenter is scheduled to enter a plea of guilty on
8 January 27, 2022.

9 **FIRST CAUSE OF ACTION**
10 **Wrongful Death Sounding in Negligence**

11 **(PLAINTIFFS AMIR WEINER AND JULIA ERWIN-WEINER**
12 **AGAINST STANFORD UNIVERSITY)**

13 74. Plaintiffs re-allege and incorporate herein by reference each and every allegation and
14 statement contained in the prior paragraphs.

15 75. In September 2019, the Santa Clara County District Attorney's Office widely
16 disseminated Public Health Warnings regarding an increasing number of deaths due to counterfeit
17 Percocet containing Fentanyl as their sole active ingredient.

18 76. Although it knew that there was a culture of drug and alcohol abuse on its campus,
19 especially within the Greek system, Stanford did not widely distribute the District Attorney's
20 September 2019 Public Health Warning to its students, faculty, and/or employees.

21 77. On January 15, 2020, Decedent Eitan Weiner suffered a drug overdose after coming into
22 contact with and/or ingesting the counterfeit Percocet sold by Defendant Carpenter to Eitan and
23 Defendants Dill-De Sa, Khattak, and Mitchell.
24

25 78. The overdose occurred inside the TDX house on Stanford's campus and was widely
26 known to members of TDX including Tim Michael, a Stanford employee and Resident Advisor
27 with responsibility over the fraternity house.
28

1 79. Upon learning of the overdose, Michael alerted the university by contacting the
2 Residence Dean who oversaw TDX. Although the presence, use, and distribution of controlled
3 substances on Stanford's campus constitutes an egregious violation of the Fundamental Standard,
4 other university policies, and state and federal law, the university took no further action in
5 connection with Decedent Eitan Weiner's overdose.
6

7 80. On January 17, 2020, just two days after his initial overdose, Decedent Eitan Weiner
8 died of a Fentanyl overdose inside the TDX house on Stanford's campus.

9 81. Decedent Eitan Weiner died as a result of Defendant Stanford's knowing and intentional
10 failure to follow its own policies and procedures, including the Fundamental Standard and state and
11 federal law.

12 82. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
13 herein, Defendant Stanford University owed a duty of care to all reasonably foreseeable people,
14 including Decedent Eitan Weiner, to provide a safe and healthy environment for its students,
15 faculty, and employees, among others on its campuses.
16

17 83. Plaintiffs are informed and believe, and thereon allege, that Defendant Stanford's
18 careless, negligent, reckless, and unlawful conduct with respect to the events leading up to and
19 surrounding Decedent Eitan Weiner's fatal drug overdose was the direct, legal, and proximate cause
20 of his death and the damages alleged herein.
21

22 84. The incident giving rise to this wrongful death caused Decedent Eitan Weiner to suffer
23 various traumatic injuries. As a legal, direct, and proximate result of the conduct of Defendant
24 Stanford, Decedent Eitan Weiner suffered pre-death physical injuries, mental anguish, terror,
25 anxiety, and unconsciousness.

26 85. Plaintiffs are further informed and believe, and thereon allege, that Defendant Stanford
27 assisted, facilitated, encouraged, and otherwise condoned Theta Delta Chi Fraternity's negligent and
28

1 reckless conduct with respect to the events leading up to Decedent Eitan Weiner's death and is
2 liable for its negligent and reckless behavior.

3 86. Plaintiffs are informed and believe, and thereon allege, that at all material times
4 mentioned herein, Defendant Stanford carelessly, negligently, recklessly and with conscious
5 disregard for the welfare and safety of others, including Decedent Eitan Weiner, undercut, ignored,
6 and otherwise minimized the role of drug abuse on its campus, failed to widely disseminate the
7 Santa Clara County District Attorney's September 2019 Public Health Warnings, and did not
8 enforce its own policies and procedures, as well as state and federal law.

9
10 87. As a legal, direct, and proximate result of the reckless and negligent conduct of
11 Defendants, Plaintiffs have sustained damages resulting from the loss of love, affection, society,
12 service, comfort, support, right of support, expectation of future support and counsel,
13 companionship, solace and mental support, as well as other benefits and assistance of Decedent
14 Eitan Weiner, all to their general damages in a sum in excess of the jurisdictional limits of this
15 Court, which will be stated according to proof, pursuant to section 425.10 of the California Code of
16 Civil Procedure.

17
18 88. As a legal, direct, and proximate result of Defendants' conduct, Plaintiffs will be
19 deprived of the financial support and assistance of Decedent Eitan Weiner, the exact amount of such
20 losses to be stated according to proof, pursuant to Section 425.10 of the California Code of Civil
21 Procedure.

22
23 WHEREFORE, Plaintiffs pray for relief as set forth below.

24 **SECOND CAUSE OF ACTION**
25 **Wrongful Death Action Sounding in Negligence**

26 **(PLAINTIFFS AMIR WEINER AND JULIA ERWIN-WEINER**
27 **AGAINST THETA DELTA CHI FOUNDERS CORPORATION)**

28 89. Plaintiffs re-allege and incorporate herein by reference each and every allegation and
statement contained in the prior paragraphs.

1 90. In September 2019, the Santa Clara County District Attorney's Office widely
2 disseminated Public Health Warnings regarding an increasing number of deaths due to counterfeit
3 Percocet containing Fentanyl as their sole active ingredient.

4 91. Although it knew that its members consumed drugs within its fraternity house on
5 Stanford University's campus, TDX did not widely distribute the District Attorney's September
6 2019 Public Health Warning.

7 92. On January 15, 2020, Eitan suffered a drug overdose after coming into contact with
8 and/or ingesting the counterfeit Percocet sold by Defendant Carpenter to Eitan and Defendants Dill-
9 De Sa, Khattak, and Mitchell.

10 93. The overdose occurred inside the TDX house on Stanford's campus and was widely
11 known to members of TDX including Tim Michael, a Stanford employee and Resident Advisor
12 with responsibility over the fraternity house.

13 94. Contrary to the terms of its Crisis Management Plan and other policies and procedures,
14 TDX did not treat Eitan's overdose as a critical incident. More specifically, TDX's president or
15 designee (1) failed to contact the proper authorities; (2) did not close and secure the TDX house and
16 remove all guests; (3) failed to notify other key representatives of the fraternity as provided for in
17 the Crisis Management Plan; and (4) did not call a meeting of all the members, including pledges, to
18 discuss the situation.

19 95. Plaintiffs are informed and believe, and thereon allege, that rather than alert authorities,
20 various members of TDX, including Defendants Dill De-Sa, Khattak, and Mitchell obstructed,
21 obfuscated, and otherwise misled first responders and others regarding their collective purchase of
22 controlled substances, their use and distribution of controlled substances from within the TDX
23 house on Stanford's campus, and Decedent Eitan Weiner's use of a controlled substance on January
24 15, 2020.

1 96. On January 17, 2020, just two days after his initial overdose, Decedent Eitan Winer died
2 inside the TDX house on Stanford's campus of a Fentanyl overdose.

3 97. Decedent Eitan Weiner died as a result of Defendant TDX's knowing and intentional
4 failure to follow its own policies and procedures, including its Crisis Management Plan, as well as
5 state and federal law.
6

7 98. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
8 herein, Defendant TDX owed a duty of care to all reasonably foreseeable people, including
9 Decedent Eitan Weiner, to provide a safe and healthy environment for students, members, pledges,
10 charges, and employees, among others.

11 99. Plaintiffs are informed and believe, and thereon allege, that Defendant TDX's careless,
12 negligent, reckless, and unlawful conduct with respect to the events leading up to and surrounding
13 Decedent Eitan Weiner's fatal drug overdose was the direct, legal, and proximate cause of his death
14 and the damages alleged herein.
15

16 100. The incident giving rise to this wrongful death caused Decedent Eitan Weiner to suffer
17 various traumatic injuries. As a legal, direct, and proximate result of the conduct of Defendant
18 TDX, Decedent Eitan Weiner suffered pre-death physical injuries, mental anguish, terror, anxiety,
19 and unconsciousness.
20

21 101. Plaintiffs are further informed and believe, and thereon allege, that Defendant TDX
22 assisted, facilitated, encouraged, and otherwise condoned the individually named Defendants' Cole
23 Dill-De Sa, William Mitchell, and Muhammad Khattak's negligent and reckless conduct with
24 respect to the events leading up to Decedent Eitan Weiner's death and is liable for their negligent
25 and reckless behavior.

26 102. Plaintiffs are informed and believe, and thereon allege, that at all material times
27 mentioned herein, Defendant TDX carelessly, negligently, recklessly and with conscious disregard
28 for the welfare and safety of others, including Decedent Eitan Weiner, undercut, ignored, and

1 otherwise minimized the role of drug abuse within its fraternity, failed to widely and effectively
2 disseminate the Santa Clara County District Attorney's September 2019 Public Health Warnings to
3 its members, and did not enforce its own policies and procedures as well as state and federal law.

4 103. As a legal, direct, and proximate result of the reckless and negligent conduct of
5 Defendants, Plaintiffs have sustained damages resulting from the loss of love, affection, society,
6 service, comfort, support, right of support, expectation of future support and counsel,
7 companionship, solace and mental support, as well as other benefits and assistance of Decedent
8 Eitan Weiner, all to their general damage in a sum in excess of the jurisdictional limits of this Court,
9 which will be stated according to proof, pursuant to section 425.10 of the California Code of Civil
10 Procedure.
11

12 104. As a legal, direct, and proximate result of Defendants' conduct, Plaintiffs will be
13 deprived of the financial support and assistance of Decedent Eitan Weiner, the exact amount of such
14 losses to be stated according to proof, pursuant to Section 425.10 of the California Code of Civil
15 Procedure.
16

17 WHEREFORE, Plaintiffs pray for relief as set forth below.

18 **THIRD CAUSE OF ACTION**
19 **Wrongful Death Action Sounding in Negligence**

20 **(PLAINTIFFS AMIR WEINER AND JULIA ERWIN-WEINER AGAINST DEFENDANTS**
21 **MATTHEW MING CARPENTER, COLE WESTON DILL-DE SA, MUHAMMAD YUSUF**
22 **KHATTAK , AND WILLIAM CORBITT MITCHELL.)**

23 105. Plaintiffs re-allege and incorporate herein by reference each and every allegation and
24 statement contained in the prior paragraphs.

25 106. In the early weeks of January 2020, Defendants Cole Dill-De Sa, William Mitchell,
26 and Muhammad Khattak, along with Decedent Eitan Weiner, agreed to purchase a number of
27 controlled substances, including Percocet.

28 107. This group purchase was facilitated by Defendant Matthew Ming Carpenter.

1 108. At the time, Defendants Dill-De Sa, Mitchell, and Khattak, along with Decedent Eitan
2 Weiner were undergraduate students at Defendant Stanford and were all residing in Defendant
3 Theta Delta Chi's fraternity house located on the university's campus.

4 109. As Stanford students and members of TDX, the individually named Defendants were
5 bound to the Fundamental Standard and a number of other university policies and procedures,
6 TDX's own policies and procedures, as well as state and federal law, regarding the possession, use,
7 and distribution of drugs on campus and within their fraternity house.

8 110. On January 15, 2020, Decedent Eitan Weiner suffered a drug overdose after coming
9 into contact with and/or ingesting the counterfeit Percocet sold by Defendant Carpenter to Eitan and
10 Defendants Dill-De Sa, Khattak, and Mitchell.

11 111. The overdose occurred inside the TDX house on Stanford's campus and was widely
12 known to members of TDX including Defendants Dill-De Sa, Khattak, and Mitchell.

13 112. Having purchased the counterfeit Percocet along with Decedent Eitan Weiner,
14 Defendants Dill-De Sa, Mitchell, and Khattak knew or should have known that the overdose was
15 the direct result of the controlled substances purchased by the group from Defendant Carpenter.

16 113. Plaintiffs are informed and believe, and thereon allege, that on January 15, 2020 and
17 thereafter, Defendants Dill De-Sa, Khattak, and Mitchell obstructed, concealed, and otherwise hid
18 evidence of Decedent Eitan Weiner's drug use in order to mislead first responders and others
19 regarding their collective purchase of controlled substances, as well as their use and distribution of
20 controlled substances from within the TDX house on Stanford's campus.

21 114. Plaintiffs are informed and believe, and thereon allege, that two days later, on January
22 17, 2020, the individually named Defendants were again present when Decedent Eitan Weiner
23 ingested the controlled substances previously purchased by the group.

24 115. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
25 herein, the individually named Defendants owed a duty of care to all reasonably foreseeable people,
26

1 including Decedent Eitan Weiner, to warn against, prevent, and report the use and consumption of
2 controlled substances while residing in the TDX house on Stanford's campus.

3 116. Plaintiffs are informed and believe, and thereon allege, that the individually named
4 Defendants' careless, negligent, reckless, and unlawful conduct with respect to the events leading
5 up to and surrounding Decedent Eitan Weiner's fatal drug overdose was the direct, legal, and
6 proximate cause of Eitan's death and the damages alleged herein.
7

8 117. The incident giving rise to this wrongful death caused Decedent Eitan Weiner to suffer
9 various traumatic injuries. As a legal, direct, and proximate result of the conduct of Defendants Dill
10 De-Sa, Khattak, and Mitchell, Decedent Eitan Weiner suffered pre-death physical injuries, mental
11 anguish, terror, anxiety, and unconsciousness.
12

13 118. As a legal, direct, and proximate result of the reckless and negligent conduct of
14 Defendants, Plaintiffs have sustained damages resulting from the loss of love, affection, society,
15 service, comfort, support, right of support, expectation of future support and counsel,
16 companionship, solace and mental support, as well as other benefits and assistance of Decedent
17 Eitan Weiner, all to their general damages in a sum in excess of the jurisdictional limits of this
18 Court, which will be stated according to proof, pursuant to section 425.10 of the California Code of
19 Civil Procedure.
20

21 119. As a legal, direct, and proximate result of Defendants' conduct, Plaintiffs will be
22 deprived of the financial support and assistance of Decedent Eitan Weiner, the exact amount of such
23 losses to be stated according to proof, pursuant to Section 425.10 of the California Code of Civil
24 Procedure.

25 WHEREFORE, Plaintiffs pray for relief as set forth below.

26 **FOURTH CAUSE OF ACTION**
27 **California Drug Dealer Liability Act**
28

1 **(ALL PLAINTIFFS AGAINST DEFENDANTS MATTHEW MING CARPENTER, COLE**
2 **WESTON DILL-DE SA, MUHAMMAD YUSUF KHATTAK, AND WILLIAM CORBITT**
3 **MITCHELL)**

4 120. Plaintiffs re-allege and incorporate herein by reference each and every allegation and
5 statement contained in the prior paragraphs.

6 121. As Eitan's parents and sibling, respectively, Plaintiffs Amir Weiner, Julia Erwin-
7 Weiner, and Ya'el Weiner have standing to sue under the Drug Dealer Liability Act.

8 122. On or about December 1, 2020, Defendant Matthew Ming Carpenter provided Santa
9 Clara County Sheriffs' deputies with a wide-ranging statement detailing his drug-dealing activities.

10 123. Defendant Carpenter told Sheriff's deputies that he procured and sold controlled
11 substances to Decedent Eitan Weiner and Defendants Cole Weston Dill-De Sa, Muhammad Yusuf
12 Khattak, and William Corbitt Mitchell.

13 124. Defendant Carpenter further admitted to Sheriff's deputies that he arranged to have the
14 controlled substances mailed directly to the TDX house on the campus of Stanford University.

15 125. At the time, Decedent Eitan Weiner resided at the TDX house along with Defendants
16 Dill-De Sa, Mitchell, and Khattak.

17 126. On or about January 15, 2020, Decedent Eitan Weiner and Defendants Dill-De Sa,
18 Mitchell, and Khattak received the package containing the controlled substances procured and sold
19 by Defendant Carpenter at the TDX house on Stanford University's campus.

20 127. That same day, Decedent Eitan Weiner suffered a drug overdose after coming into
21 contact with and/or ingesting the counterfeit Percocet.

22 128. Plaintiffs are informed and believe, and thereon allege, that various members of TDX,
23 including Defendants Dill De-Sa, Khattak, and Mitchell obstructed, obfuscated, and otherwise
24 misled first responders and others regarding their collective purchase of controlled substances, their
25 use and distribution of controlled substances from within the TDX house on Stanford's campus, and
26 Decedent Eitan Weiner's use of a controlled substance on January 15, 2020.
27
28

1 129. Even after his overdose, Plaintiffs are informed and believe, and thereon allege, that
2 Defendants Dill De-Sa, Khattak, and Mitchell furnished, administered, and distributed controlled
3 substances to Decedent Eitan Weiner, including the counterfeit Percocet that resulted in his death on
4 January 17, 2020.

5
6 121. On or about December 4, 2020, Plaintiffs learned that Decedent Eitan Weiner died as a
7 result of the counterfeit Percocet procured and sold by Defendant Carpenter and otherwise furnished
8 and distributed by Defendants Dill-De Sa, Khattak, and Mitchell after speaking to Santa Clara
9 County Sheriff's Deputies.

10 WHEREFORE, Plaintiffs pray for relief as set forth below.

11 **JURY DEMAND**

12 PLAINTIFFS demand a trial by jury.
13
14

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs Amir Weiner, Julia Weiner, and Ya'el Weiner, individually, pray
17 judgment against Defendants Stanford University, Theta Delta Chi Founders' Corporation, Matthew
18 Ming Carpenter, Cole Dill-De Sa, William Mitchell, and Muhammad Khattak, as follows:
19

20 1. For non-economic damages suffered by Plaintiffs, including, but not limited to, loss of
21 love, affection, care, society, service, comfort, support, right to support, companionship, solace or
22 moral support, expectations of future support and counseling, and other benefits and assistance of
23 Decedent Eitan Weiner, in an amount in excess of the jurisdictional minimum, according to proof,

24 2. For economic damages suffered by Plaintiffs, related to loss of earnings and loss of
25 financial support from Decedent Eitan Weiner, according to proof,
26

27 3. For funeral and burial expenses suffered by Plaintiffs,

28 4. For hospital, medical, professional, and incidental expenses suffered by Plaintiffs,

- 1 according to proof,
2 5. For prejudgment interest, according to proof,
3 6. For pre-trial interest, according to proof,
4 7. For damages for Plaintiffs' other economic losses, according to proof,
5 8. For reasonable attorney's fees,
6 9. For cost of suit herein incurred,
7 10. For punitive damages, and
8 11. For such other and further relief as this Court may deem just and proper.
9

10
11 DATED: December 1, 2021

YALE & BAUMGARTEN, LLP

12 /s/ David W. Baumgrten

13 _____
David W. Baumgarten, Esq.