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SUPERIOR COURT OF NEW JERSEY  
MERCER COUNTY  
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*Sue Regan*

APR 18 2011

This Order Prepared and Filed by the Court

SUE REGAN  
Deputy Clerk of Superior Court  
SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION MERCER COUNTY  
DOCKET NO: MER-L-3199-07

GARY DEVERCELLY, SR. and JULIE DEVERCELLY, individually and as personal representatives of THE ESTATE OF GARY DEVERCELLY, JR.

Plaintiff,

vs.

THE PHI KAPPA TAU FRATERNITY, individually, and t/a Phi Kappa Tau Chapter, Rider University, PHI KAPPA TAU CHAPTER RIDER UNIVERSITY, individually, and as a chapter and agent of The Phi Kappa Tau Fraternity

Defendants.

CIVIL ACTION

ORDER

THIS MATTER having been presented by the sua sponte motion of the Court, and on notice to all counsel of record, and the Court having reviewed the written submissions, and having heard oral argument and for reasons stated on the record this date,

IT IS on the 18<sup>th</sup> day of April, 2011,

ORDERED that Defendant Fraternities' assertion of the defense of charitable immunity in their respective Amended Answers is hereby suppressed for reasons stated on the record.

FURTHER ORDERED that the moving party shall serve the within order upon all parties within seven (7) days of receipt of this Order.

*Darlene J. Pereksta*  
Darlene J. Pereksta, J.S.C.

Opposed  Unopposed