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HANNA BOUVENG,

Case No. 14-CV-5474 (PGG)

Plaintiff,

- against -

**PLAINTIFF’S REPLY IN
SUPPORT OF HER
MOTION FOR INJUNCTIVE
RELIEF**

**NYG CAPITAL LLC d/b/a NEW YORK GLOBAL
GROUP, NYG CAPITAL LLC d/b/a FNL MEDIA
LLC, and BENJAMIN WEY,**

Defendants.

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INTRODUCTION:

Plaintiff Hanna Bouveng submits this Reply in support of her Motion for Injunctive Relief. By continuing to disseminate false, defamatory, and threatening messages to Ms. Bouveng, her family, her friends, her lawyers, her business colleagues, and her acquaintances, Mr. Wey has made his motivation clear: he will go to any length to intimidate Ms. Bouveng into dropping her lawsuit; he will go to any length to intimidate Ms. Bouveng’s lawyers into dropping their client; and he will go to any length to intimidate Ms. Bouveng’s family, friends and business colleagues from cooperating with, testifying on behalf of, or otherwise supporting Ms. Bouveng during the course of this lawsuit. For the reasons set forth in Plaintiff’s Motion and this Reply, Ms. Bouveng respectfully requests that this Court enjoin Defendant Benjamin Wey from further outrageous misconduct.

FACTS:

Unfortunately, Defendant’s Opposition is riddled with misinformation.

First, Wey maintains he has not received a copy of Plaintiff’s Complaint. To the contrary, not

only was Wey initially sent a draft of the Complaint back in April 2014, but Defendants NYGG and Benjamin Wey were properly served with copies of the Complaint on July 23, 2014. (Exhibit T, Affidavits of Service.)

Second, Defendant argues that Wey ceased emailing and texting Ms. Bouveng and her friends, family and acquaintances after May 3, 2014. That is not true. From early May 2014 until Plaintiff filed the instant Motion, Wey continued to email and text Ms. Bouveng's family and friends. (Ex. U, emails and text messages.)

For instance, on May 7, 2014, Mr. Wey sent the following threatening text to Ms. Bouveng's friend Chemme:

Reporters would like to interview you and your friends to finalize a couple of featured opinion articles about nightlife in new york (*sic*) for Swedes. The opinions will be published in both English and swedish (*sic*) languages. You are invited to express your views. Google search results should be massive exposure for you. When are u (*sic*) available? The publishing deadline is this Thursday May 8. Thank you.

Chemme, the last time you said this on april (*sic*) 28 on the record: "What I do, where I'm at, where I'm going, and who I'm with has never been a question of keeping up an image. Who I am is between me and God, so I couldn't care less how you or anyone else choose (*sic*) to perceive me." *Since it does not sound like you care about your public image and there are many photos of you partying with a swedish (*sic*) girlfriend whose lover is a man with an arrest record, it will be beneficial for you to tell your side of the story? You are given an opportunity here. Don't miss it.*

If you do not comment, the opinions (*sic*) pieces will come out stating you have refused to comment. If you or your girlfriend may or may not like the articles (*sic*), it will be impossible then to change once it is published. This is the First Amendment right....

(Ex. U, May 7, 2014 text, *emphasis added*.)

Moreover, on July 21, 2014, Wey emailed a lawyer friend of Ms. Bouveng's falsely stating that his firm had terminated Ms. Bouveng "for cause," including: "dishonest acts and violations of professional conducts," "irresponsible behavior" including "extensive alcohol abuse, possible use of illegal substances, sleepy and alcohol hangover at work, partying at night almost daily till (*sic*) early morning hours, [and] associations with a criminal night club promoter," living a "double life" due to "a partying craze at night," and associating with a boyfriend who "sought medical attention for sexually transmitted diseases." (Ex. U, July 21, 2014 email.)

Third, Wey has continued to email and text Ms. Bouveng's family and friends since he was served with the instant Motion on July 26, 2014. (Ex. V, emails and text messages.) Significantly, these emails and texts often include links to Wey's Facebook page and Wey's "investigative journalist articles" in his digital publication, TheBlot Magazine. The photographs include stock photos of individuals ingesting illegal drugs, carrying weapons, and engaging in pornographic acts. (*Id.*)

On July 24, 2014, Wey published an article in his digital publication, TheBlot Magazine, entitled: "Want to Trap Swedish Women? Ask Criminal James Chauvet." (Ex. W, Blot Article.) Wey's article mischaracterizes Ms. Bouveng as "a Swedish party girl who had just landed in New York's nightclubs after a year of providing 'entertainment' in the nightclubs and casino houses of Hong Kong and Macau." Wey further falsely implies that Ms. Bouveng is a prostitute and that "in or outside that jail cell on New York's Riker Island prison, one shouldn't be surprised to find the Swedish girl Hanna Bouveng someday." (Ex. W, The Blot.) The article also identifies and features photos of Ms. Bouveng's father, her aunt, and her 20-year-old brother.

On July 30, 2014, Wey published an article in TheBlot Magazine entitled: "BURNED: Swedish Party Girl Hanna Bouveng Swims in Criminal Hot Water." (Ex. X, Blot Article.) It began: "Of the

many young Swedish women aspiring to be the next Lindsay Lohan, a party girl named Hanna Bouveng stood out in the crowd vying for the attention of drug dealers and male patrons ready to pay for some special services at a price.” (Id.) The article falsely states Ms. Bouveng spent “six months walking the streets of Hong Kong and entertaining visitors to the massage parlors” before she “had some run-ins with the local Asian triads and had to leave Asia ‘in a hurry.’” The article further falsely alleges that Ms. Bouveng “fled to New York,” was “unable to complete a degree program,” and “was searching for ‘gold’ in the streets of New York.” (Id.) The article further falsely states that Ms. Bouveng is an “alcoholic” who takes “drugs” and had sex with a man “in a nasty bathroom allegedly filled with needles.” (Id.)

This article once again ominously identifies Ms. Bouveng’s father as well as her aunt Helena Bouveng, member of the Swedish parliament (and features a photo of the latter.) The article states: “Readers may wonder to what extent the Hanna Bouveng’s affiliation with cocaine dealers may affect Helena Bouveng’s already tough re-election campaign.” (Ex. X, Blot Article. *See also* Ex. Y, Blot Article describing Ms. Bouveng as “a loose woman, a Swedish party girl tainted with allegations of prostitution, alcoholism and affiliations with drug dealers” who was “well-trained in the night clubs and massage parlors of Hong Kong” and “allegedly has a history of alcohol abuse and tight affiliations with New York’s Haitian cocaine dealer network.”)

Fourth, Wey has attempted to intimidate Ms. Bouveng’s lawyers at Morelli Alters Ratner by distorting their record of public service, and by falsely “reporting” statements designed to interfere with the firm’s credibility and professional reputation, as well as its ability to develop and maintain business relationships.

On July 29, 2014, Wey published an “article” in TheBlot Magazine entitled: “Law Firm Morelli Alters Ratner Sued For Sexual Harassment.” (Ex. Y, Blot Article.) Wey’s “article” falsely

states: “David Ratner and Benedict Morelli have a checkered history of court sanctions... and sexual harassment.” At the same time, Wey posted a defendant’s discovery motion for sanctions that has not been heard and is being disputed, and a former employee’s complaint against the firm that was dismissed on the pleadings, the dismissal affirmed on appeal, and costs awarded against the plaintiff. The article maintains that a lawyer from the firm sued Morelli Ratner for “fabrication of court evidence, filing frivolous lawsuits and, yes, unwanted sex and sexual advances toward its own employees.” None of that is true.¹

In a further (and rather bizarre) attempt at intimidating and embarrassing Ms. Bouveng’s lawyers, Wey suggests that partner Martha McBrayer “a middle-aged ‘woman’ and an alleged lesbian” was placed “in charge of policing the stressed-out men at Morelli Alters Ratner to keep their manhood inside their pants.” (Ex. Y, Blot Article.) The article notes: “Martha McBrayer could not be reached for comments to discuss her sexual preference. No one at Morelli Alters Ratner could be reached to confirm Martha McBrayer’s sexual orientation.” (Ex. Y, Blot Article.) The article further insults founding partner Benedict Morelli and managing partner David Ratner, and even includes a scripted comment from “Lee Ratner” (coincidentally, the name of Mr. Ratner’s son) that reads: “I know David Ratner well. He is just a guy trying to make a living. He loves to grope women anywhere he can find them. Anything wrong with that?” These references can only be construed as Wey’s attempt to deter Ms. Bouveng’s lawyers from proceeding further with this lawsuit.

Moreover, Wey’s July 30 article falsely provides that on “multiple occasions, Morelli Alters

¹ Ms. Clark, a former paralegal who was terminated for cause, filed a lawsuit based upon her erroneous belief that the firm did not do enough to prevent her “sexual” harassment by a former client. (The female client was actually sexually harassing a male attorney at the firm, but blamed Ms. Clark for not putting her calls through to the attorney.) The firm filed a motion for summary judgment prior to any discovery. The New York County Supreme Court’s decision granting the firm summary judgment and awarding it costs was subsequently affirmed by the First Department. Neither Ms. Clark nor any other employee (lawyer or otherwise), has ever sued the firm and/or its partners for sexual harassment by any partner, associate or employee of the firm.

Ratner itself was sued for sexual harassment and was sanctioned by various courts across America for fabricating evidence,” and that managing partner David Ratner “was exposed as the sexual harasser.” (Ex. X, Blot Article) Again, these statements are absolutely false.

Fifth, on information and belief, Wey has used Ms. Bouveng’s name to “cybersquat,” i.e., create a website under her name that contains the same disturbing and misleading photographs and articles described herein. (Ex. Z, “Hanna Bouveng” website.)

Defendant suggests that Wey’s posts on his private Facebook page are not seen by others. However, by “tagging” Ms. Bouveng’s friends, former colleagues and acquaintances, Wey’s posts appear not just on his own page but their Facebook pages as well. In addition, Wey can and does message individuals regardless of whether they accept or reject his invitation to be “friends.” Moreover, Wey’s posts appear on the pages of all his Facebook friends.

Legal Argument:

Arguably, Wey’s conduct rises to the level prohibited by Title 18 at §1512, which provides in pertinent part that:

[w]hoever knowingly uses intimidation or physical force, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to . . . influence, delay, or prevent the testimony of any person in an official proceeding

is guilty of a felony. U.S. v. Thompson, 76 F.3d 442.452 (2nd Cir. 1996)(*affirming conviction where accused party told co-conspirators to lie to the grand jury, and holding that Section 1552 does not violate First Amendment rights*), referencing 18 U.S.C. §1512.

Moreover, Wey’s conduct (although directed at adults rather than kids) is much akin to

cyber-bullying. Cyber-bullying is defined as “willful and repeated harm inflicted through the use of computer, cell phones and other electronic devices.” T.K. v. New York City Dept. of Education, 779 F.Supp.2d 289, 299 (EDNY 2011)(*denying defendant’s motion for summary judgment of plaintiff’s claim that school failed to provide disabled child free appropriate public education where evidence showed school personnel were deliberately indifferent to or failed to take reasonable steps to prevent cyber-bullying.*)

Contrary to Defendant’s assertion, Mullins is on point. There, defendant was prohibited from further questioning and speaking to witnesses precisely because it appeared that numerous plaintiffs would likely abandon their lawsuit rather than testify if they were subjected to further investigation. Mullins v. City of New York, 634 F.Supp.2d 373, 3867, 393 (SDNY 2009)(*granting of preliminary injunction appropriate relief where witness intimidation occurred during internal affairs investigation.*) So too at bar, injunctive relief is warranted here.

Accordingly, it is respectfully requested that the Order to Show Cause attached herein issue from this Court, and on the return date, that Order be entered for the relief requested.

Dated: New York, NY
July 31, 2014

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