

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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AMANDA KEISOGLU,

Plaintiff,

- versus -

Index No.:

VERIFIED
COMPLAINT

GANSEVOORT HOTEL GROUP, LLC ,
GANSEVOORT MEATPACKING NYC,
GANSEVOORT, LLC, CGM-GH LLC,
CHINA GRILL MANAGEMENT, INC.,
MARIE THYS, JOHN DOE(S) 1-10 and
(fictitiously named as true name(s) presently
unknown) and XYZ Corporation(s) 1-5
(fictitiously named as true name(s) presently
unknown)

Defendants.

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Plaintiff, AMANDA KEISOGLU ("KEISOGLU" or "Plaintiff"), by her undersigned attorneys, BALLON STOLL BADER & NADLER, P.C., complaining of defendants, GANSEVOORT HOTEL GROUP, LLC ("GHG"), GANSEVOORT MEATPACKING NYC ("GMNYC"), GANSEVOORT, LLC ("GLLC"), CHINA GRILL MANAGEMENT, INC. ("CGM"), CGM-GH LLC ("CGM-GH"), MARIE THYS ("THYS") and John Doe(s) 1-10 (fictitiously named as true name(s) presently unknown) and XYZ Corporation(s) 1-5 (fictitiously named as true name(s) presently unknown) (GMNYC, GHG, GLLC, CGM and CGM-GH and John Doe(s) 1-10 (fictitiously named as true name(s) presently unknown) and XYZ Corporation(s) 1-5 (fictitiously named as

true name(s) presently unknown) hereinafter collectively referred to as "Corporate Defendants"), (Corporate Defendants and Thys collectively referred to as "Defendants") states and alleges as follows:

THE PARTIES

1. Plaintiff Amanda Keisoglu was and still is a resident of the County of Bergen, State of New Jersey.

2. Upon information and belief, at all relevant times hereinafter mentioned, Defendant Thys was a citizen of the Country of Belgium.

3. Upon information and belief, at all relevant times hereinafter mentioned, Defendant GHG was a domestic limited liability company, duly organized and existing under the laws of the State of New York.

4. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG was the owner of the premises located at 18 9th Avenue, New York, New York, 10014, commonly referred to as Gansevoort Meatpacking NYC and including the rooftop bar and lounge, named Plunge Bar + Lounge ("Plunge"), located thereat (the "Premises").

5. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG was the lessor of the Premises.

6. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG leased the Premises.

7. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG maintained the Premises.

8. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG operated the Premises.

9. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG controlled the Premises.

10. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG managed the Premises.

11. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GHG occupied the Premises.

12. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014 and at all relevant times hereinafter mentioned, defendant GHG was doing business as GMNYC.

13. Upon information and belief, GHG is in the business of developing luxury hotels.

14. Upon information and belief, at all relevant times hereinafter mentioned, GMNYC was a hotel and urban resort and owned, leased, controlled, managed, maintained, operated and/or occupied the Premises.

15. Upon information and belief, Defendant GLLC is a foreign limited liability company duly organized and existing under the laws of the State of Delaware.

16. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GLLC was the owner of the Premises.

17. That on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GLLC was the lessor of the Premises.

18. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GLLC maintained, operated, controlled and managed, the Premises.

19. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant GLLC occupied the Premises.

20. Upon information and belief, GLLC is doing business as GMNYC.

21. Plunge is a dining bar and lounge establishment open to GMNYC guests and the public, and, upon information and belief, is operated by GLLC.

22. Upon information and belief, CGM is a corporation duly organized and existing under the laws of the State of Florida, doing business in New York.

23. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGM was the owner of the Premises along with GLLC.

24. That on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGM was the lessor of the Premises.

25. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGM maintained, operated, managed and controlled the Premises.

26. That on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGM occupied the Premises.

27. Upon information and belief CGM does business as Plunge.

28. Upon information and belief, CGH-GH is a limited liability company duly organized and existing under the laws of the State of Delaware.

29. Upon information and belief, at all relevant times hereinafter mentioned, on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGH-GH was the owner of the Premises.

30. That on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGH-GH was the lessor of the Premises.

31. That on August 23, 2014 and the early hours of August 24, 2014, and at all relevant times hereinafter mentioned, defendant CGH-GH maintained, operated, managed and controlled the Premises.

32. Upon information and belief, CGH-GH does business as Plunge.

THE FACTS

33. On August 23, 2014 and into the early hours of August 24, 2014, Keisoglu, along with her family and friends, made reservations and paid for a table at the interior portion of the rooftop lounge, Plunge, located within GMNYC

34. The Premises is a dining, bar and lounge facility that is open to the public.

35. On August 23, 2014 and into the early hours of August 24, 2014, Keisoglu, along with her family and friends, was and remained at all relevant times lawfully at the Premises.

36. Late on August 23, 2014, Keisoglu and other witnesses, including Keisoglu's family and friends, noticed a visibly intoxicated woman, unknown to Keisoglu and her family and friends at the time, but later identified as Defendant Thys, being aggressive, verbally abusive, throwing her fists and arms aimlessly, and forcefully kicking other patrons, pulling another patron's hair, attempting to obtain a broken bottle and attacking patrons, slapping patrons on the head and face, and attacking other patrons at the Premises.

37. At no time on August 23, 2014 into the early hours of August 24, 2014 did Plaintiff Keisoglu speak to or engage Thys in any manner whatsoever.

38. Feeling threatened for her safety due to Thys' violent behavior towards other patrons at the Premises, Keisoglu gathered her things and began to get up to leave the Premises. However, without warning or any provocation by Keisoglu, Thys violently, forcefully, intentionally, and in reckless disregard of Keisoglu's safety stabbed Keisoglu in the mid-upper thigh with her stiletto heeled shoe (the "Attack").

39. Defendant Thys acting in reckless disregard for the safety of others, did cause Plaintiff severe injuries.

40. Defendant Thys intentionally attacked Plaintiff, causing Plaintiff severe injuries.

41. Corporate Defendants and each of them had a non-delegable duty to keep the Premises safe for its patrons.

42. At all times relevant to the events of this matter, Corporate Defendants failed to timely address Thys' reckless, belligerent, and violent behavior prior to the Attack, including, inter alia, removing and/or restraining Thys.

43. Although Defendant Thys was visibly intoxicated for several hours prior to the Attack, Corporate Defendants continued to serve Thys alcohol.

44. Although Defendant Thys was belligerent and violent against other patrons for some time prior to the Attack, Corporate Defendants failed to remove Thys from the premises.

45. Corporate Defendants failed to provide adequate staffing for the security and/or bouncers at the Premises whose identities are currently unknown.

46. Corporate Defendants failed to provide adequate training for the security and/or bouncers at the Premises whose identities are currently unknown.

47. Despite having had incidents similar in nature prior to the Attack, Corporate Defendants continued to retain said security/bouncers whose entities are currently unknown.

48. At all relevant times, Corporate Defendants did not employ adequate number of security personnel at the Premises.

49. At all relevant times, Corporate Defendants failed to properly hire and train said security and/or bouncers whose identities are currently unknown at the Premises.

50. Immediately after the incident, Plaintiff Keisoglu was transported to the emergency room via ambulance to treat for her stab wound.

51. Immediately after the incident, on August 24, 2014 at or about 2:48AM, Thys was arrested by the New York City Police Department and charged criminally for her acts against Keisoglu, including felony assault in the Second Degree and felony Assault in the Third Degree.

52. Thys' brutal attack of Keisoglu on August 24, 2014 and its aftermath has caused Keisoglu to suffer, in addition to the immediate effects set forth above, significant bruising, swelling, indentation and scarring to her leg, and, inter alia, extreme pain and suffering, permanent emotional trauma, post-traumatic stress, anxiety, humiliation, depression, and continuing fear of retaliation for her own health and safety, most of which are, upon information and belief, permanent in nature.

FIRST CAUSE OF ACTION: ASSAULT
(Against Thys)

53. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

54. On August 24, 2014, Thys assaulted Plaintiff in that Thys intentionally engaged in physical movements toward Plaintiff, which were calculated to, and which actually did, inhibit Plaintiff's freedom to move freely in and about the premises, and which created a strong and reasonable apprehension and fear in Plaintiff of injurious and offensive touching of her person by Thys.

55. As a proximate cause of the aforesaid assault, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of any lower courts.

SECOND CAUSE OF ACTION: BATTERY
(Against Thys)

56. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

57. On August 24, 2014, Thys committed battery upon the person of Plaintiff, in that Thys intentionally, without the permission of the Plaintiff and contrary to the will and desire of the Plaintiff, attacked and stabbed Plaintiff in a hostile, offensive, and insulting manner, and with the intent, purpose, and object of causing and did cause Plaintiff to suffer physical and mental pain and injury.

58. From the beginning of Plaintiff's ordeal during the late hours of August 23, 2014 into the early morning hours of August 24, 2014, Thys' attack of Plaintiff immediately caused Plaintiff extreme pain and suffering, significant bruising, swelling, indentation and a puncture wound to her leg, trauma, fear of death and the devastation of her family members, humiliation, and misery.

59. In addition, Thys' acts caused Plaintiff to suffer inter alia, permanent emotional trauma, post-traumatic stress, anxiety, humiliation, depression, loss of enjoyment of life, misery, continuing fear of safety and loss of earning, profits, and livelihood.

60. As a proximate cause of the aforesaid battery, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of any lower courts.

**THIRD CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Thys)**

61. Plaintiff repeats and realleges each and every allegation set forth above with the above with the same force and effect as if fully set forth herein.

62. On August 24, 2014, Thys intentionally inflicted emotional harm upon Plaintiff in that Thys knew or should have known that Thys' assault and battery of Plaintiff would, and did, cause Plaintiff severe emotional distress.

63. By reason of the foregoing, Thys has damaged Plaintiff in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

**FOURTH CAUSE OF ACTION: NEGLIGENCE
(Against Corporate Defendants)**

64. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

65. At all times hereinafter mentioned, the aforesaid assaults and batteries took place while Plaintiff was an invitee of Corporate Defendants' Premises.

66. Corporate Defendants and/or and through its agents, servants, and/or employees, had a duty to maintain the Premises in a reasonably safe condition for persons lawfully on said Premises but failed to do so, resulting in injuries to Plaintiff.

67. Plaintiff's injuries were caused in part by Corporate Defendants' failure to exercise due care by failing to remove Thys from the premises after her express threats and belligerent behavior which existed for some time prior to Thys's Attack of Plaintiff Keisoglu.

68. By reason of the foregoing, Corporate Defendants have damage Plaintiff in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

**FIFTH CAUSE OF ACTION:
NEGLIGENT HIRING AND RETENTION
(Against Corporate Defendants)**

69. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

70. The Premises is known to have had prior incidents in which patrons have been injured due to lack of adequate and attentive security and/or bouncers at the Premises.

71. Corporate Defendants' negligent hiring, inadequate staffing, training and retention of the security personnel/bouncers, whose identities currently remain unknown, was a direct and proximate cause of injuries to Plaintiff.

72. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of any lower courts which would otherwise have jurisdiction in this matter.

**SIXTH CAUSE OF ACTION: NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS
(Against Corporate Defendants)**

73. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

74. On August 24, 2014, the failures of Corporate Defendants to exercise due care in preventing the assault and battery of Plaintiff were in part the cause of severe emotional harm and injury sustained by Plaintiff.

75. By reason of the foregoing, Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

**SEVENTH CAUSE OF ACTION:
DRAM SHOP ACT VIOLATIONS
(Against Corporate Defendants)**

76. Plaintiff repeats and realleges each and every allegation set forth above with same force and effect as if fully set forth herein.

77. At all relevant times, Corporate Defendant, managed, controlled, and operated the Premises, whose commercial business includes, *inter alia*, the sale of alcohol to its patrons.

78. On August 23, 2014 into the early morning hours of August 24, 2014, Corporate Defendants caused and contributed to the intoxication of Thys by wrongfully, unlawfully, and intentionally selling intoxicating liquor to Thys who was belligerent and visibly intoxicated.

79. Corporate Defendants did consciously disregard an obvious and substantial risk that serving Thys, who was visibly intoxicated and belligerent, would cause physical harm to other patrons.

80. Corporate Defendants' reckless disregard of Thys' intoxication did cause and contribute to Keisoglu's personal injuries and Plaintiff Keisoglu has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff AMANDA KEISOGLU demands judgment against Defendants in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter, however in an amount no less than Five (5) million dollars, including but not limited to actual and exemplary/punitive damages, together with the costs, interest, disbursements and attorneys' fees of this action.

Dated: New York, New York
October 27, 2014

BALLON STOLL BADER & NADLER, P.C.


By: _____ /s/ 

Vano I. Haroutunian
Attorneys for Plaintiff
729 Seventh Avenue, 17th Floor
New York, New York 10019
212-575-7900
File No: 19873-001

VERIFICATION

I, the undersigned, an attorney admitted to practice in the Courts of New York State, state under the penalty of perjury that I am a member of the firm Ballon Stoll Bader & Nadler, P.C., attorneys for the plaintiff, Amanda Keisoglu, in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

DATED: New York, New York
October 27, 2014

_____/s/ 
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Defendants.

VERIFIED COMPLAINT

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