

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

Index No.:
Date Purchased:

-----X
LEONORA VOLPE,

Plaintiff,

Plaintiff designates:
NEW YORK COUNTY
as the Place of Trial

-against-

SUMMONS

ANTHONY CARMINE PANICCIOLI individually,
and ACP PROPERTIES LLC,

Defendants.

The basis of the venue is: Plaintiff's
Place of Residence at
5 East 67th Street, New York, NY


-----X

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) day after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the inconvenience relief demanded in the complaint.

Date: New York, New York
September 11, 2015

Yours, etc.,
DEREK SMITH LAW GROUP, PLLC

By: 
Derek T. Smith, Esq.
Attorneys for Plaintiff
30 Broad Street, 35th Floor
New York, New York 10004
Tel.: (212) 587-0760

TO: Anthony Carmine Paniccioli
-Via Place of Employment-
2272 McDonald Avenue
Brooklyn, New York
Rockaway Park, New York 11694

ACP PROPERTIES LLC
-Via Secretary of State-

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

Index No:

-----X
LEONORA VOLPE,

Plaintiffs,

COMPLAINT

-against-

ANTHONY CARMINE PANICCIOLI individually,
and ACP PROPERTIES LLC,

Defendants.
-----X

Plaintiffs, LEONORA VOLPE (hereinafter "Plaintiff") by her attorneys, DEREK SMITH LAW GROUP, PLLC hereby complains of the Defendants ANTHONY CARMINE PANICCIOLI, (hereinafter referred to as Defendant "PANICCIOLI") and ACP PROPERTIES LLC, upon information and belief, as follows: Plaintiff complains pursuant to the law of the State of New York, seeking damages to redress the injuries she has suffered as a result of being discriminated against by her employer on the basis of her sex, gender, sexual harassment and breach of contract.

PARTIES

1. Plaintiff is an individual woman who is a resident of the State of New York, County of New York.
2. Defendant ANTHONY CARMINE PANICCIOLI (hereinafter also referred to as "PANICCIOLI") is a male individual residing in the State of New York.

3. THE METROPOLITAN REPERTORY BALLET, INC. is a Domestic Not-For Profit Corporation doing business in the State of New York.
4. At all times material, Defendant PANICCIOLI was and is a Board Member and Benefactor/Sponsor of The Metropolitan Repertory Ballet.
5. At all times material, Plaintiff was and is the Artistic Director of The Metropolitan Repertory Ballet.
6. At all times material, Defendant PANICCIOLI had supervisory authority over Plaintiff.
7. Defendant ACP PROPERTIES LLC is a Domestic Limited Liability Company doing business in the State of New York.
8. At all times material, Defendant PANICCIOLI is the President of Defendant ACP PROPERTIES LLC.
9. At all times material, Defendant PANICCIOLI is an officer of Defendant ACP PROPERTIES LLC.
10. Defendant PANICCIOLI and Plaintiff have been acquainted for approximately 4 years.
11. This is a case of sexual assault, sexual harassment and improper use by someone of supervisory position to force Plaintiff to engage in sexual activity with him and Breach of Contract.

MATERIAL FACTS

SEXUAL HARASSMENT

12. Around 2011, Plaintiff and Defendants were interested in working together to complete a motion picture film involving a ballet story.
13. At all times material, Plaintiff worked for Defendants.

14. Defendant PANICCIOLI would constantly touch Plaintiff in a sexual manner. Often, Defendant would caress Plaintiff's bare upper arms and fondle Plaintiff's hair. When meeting with other potential investors, Defendant PANICCIOLI would insinuate to others that Plaintiff was his lover, when indeed Plaintiff was not.
15. Defendant PANICCIOLI began to continually talk about male genital organs, and particularly for some bizarre reason, the size and girth of his brother Ernie's penis.
16. Defendant would frequently talk about his sex life and how women he knew wanted to "be fucked hard and violently."
17. In meeting with potential film producers (including the company ultimately selected), Defendant would encourage Plaintiff to wear tight and low cut cocktail dresses and would say "Show off those tits and ass."
18. During this time, Defendant became preoccupied with the trailer that initially interested Defendant in making the film. The trailer involved a bath tub scene with Plaintiff.
19. Often, Defendant PANICCIOLI would insist that they both watch the movie trailer over and over. Defendant PANICCIOLI would express his desire to be in the tub with Plaintiff.
20. Throughout the fall of 2011, during pre-production of the film, Defendant PANICCIOLI would insist that Plaintiff have private sessions at the Ballet studio with Defendant as he watched Plaintiff stretch, bend her legs and point her feet in a balletic manner. During these sessions, Defendant PANICCIOLI would make comments about Plaintiff's "tight ass" and "long legs." Defendant also asked "Do men salivate over your feet?"
21. All of this made Plaintiff extremely uncomfortable.

22. On or about March 1, 2012, Defendant PANICCIOLI accompanied Plaintiff to Los Angeles without the rest of the movie cast ostensibly for some film related business.
23. Upon arrival at the Hilton hotel, Plaintiff discovered that Defendant PANICCIOLI had arranged for Defendant and Plaintiff to occupy the same room. Plaintiff protested and tried to switch rooms with another female cast member, to no avail. Defendant PANICCIOLI insisted on this arrangement despite Plaintiff's protests.
24. Before returning to New York City, Defendant PANICCIOLI shared the hotel room with Plaintiff for five nights. During this time, Defendant assured Plaintiff that she had nothing to feel uncomfortable about. Defendant told Plaintiff "I am completely impotent." However, Defendant told Plaintiff that Defendant was soon to undergo a surgical procedure, involving a pump that would correct his impotency.
25. Defendant described this surgical procedural in detail and repeatedly told Plaintiff "I am having this surgery for you" and told Plaintiff, "You will then be my girlfriend."
26. While in the hotel room, Defendant PANICCIOLI would gawk at Plaintiff with sexual inappropriateness while Plaintiff was dressing and made comments about Plaintiff's "tits and ass." At bedtime, when the lights were out, Defendant PANICCIOLI would initiate conversations about sexual intercourse and Plaintiff would have to endure Defendant touching and pleasuring himself.
27. On several occasions in the hotel room, Defendant insisted that they watch the bathtub scene trailer together, again and again. Defendant filled Plaintiff with tales of the "passionate" love making they would enjoy after Defendant's operation. Defendant PANICCIOLI purchased a black negligee for Plaintiff and insisted that Plaintiff model it

for Defendant. As Plaintiff "modeled" the negligee, Defendant was touching and pleasuring himself outside his pants and/ under shorts.

28. In late July 2012, Defendant led Plaintiff to an upstairs storage room above his pharmacy.

At this time, Defendant told Plaintiff "the film is costing me a lot of money" and threatened Plaintiff, "I am going to get my money's worth out of you."

29. The room upstairs was covered with explicit pornography. Defendant PANICCIOLI advised Plaintiff that he was about to have his "Penis operation" and that Plaintiff "Better be prepared to make it up to him."

30. While in the room, Plaintiff was holding files in both hands. Defendant PANICCIOLI violently grabbed Plaintiff and physically forced Plaintiff down into a chair. Defendant PANICCIOLI made it clear that Plaintiff could not leave the room until Defendant said so. Defendant PANICCIOLI repeatedly thrust his crotch in Plaintiff's face, while forcing Plaintiff to remain seated.

31. Plaintiff was berated, degraded and humiliated on a continual basis.

32. On or about September 15, 2012, Defendant PANICCIOLI underwent his surgery.

Initially, Defendant was unsteady on his feet and was not as threatening. However, as Defendant's recovery progressed, Defendant PANICCIOLI became more aggressive and suggestive of sexual activity.

33. On October 15, 2012, Defendant PANICCIOLI took Plaintiff to his home in Belle

Harbor, to ostensibly help with administrative work on his tax returns due that very day.

At that time, Defendant PANICCIOLI told Plaintiff that his penis operation had been a success. Once in the house, Defendant instantly pushed Plaintiff into a chair and forced Plaintiff to feel his erect penis inside of Defendant's jeans. Plaintiff was forced to hold

her hand on Defendant's erect penis as Defendant thrust his crotch against Plaintiff's hand. Plaintiff pushed Defendant away and then Defendant continued to follow Plaintiff into another room. Defendant PANICCIOLI told Plaintiff that the time was soon approaching that Plaintiff would "pay [him] back for [his] loss" referring to his monetary loss on the movie they were trying to make.

34. On or about December 1, 2012, Plaintiff was subsequently diagnosed with acute stress and kidney failure and was hospitalized for over four weeks.

35. Plaintiff had no contact with Defendant PANICCIOLI again until late January or early February 2013. At that time, Defendant and Plaintiff met for lunch. Defendant PANICCIOLI expressed a renewed interest in reviving the film project. After lunch, Defendant PANICCIOLI insisted on coming back to Plaintiff's apartment. When Plaintiff emerged from the bathroom, Defendant PANICCIOLI was seated on Plaintiff's bed with his jeans and underwear pulled down displaying the "result of his operation", his now fully erect and exposed penis. Plaintiff was weak and not yet sufficiently recovered from her illness. Plaintiff begged Defendant to leave her alone. Defendant PANICCIOLI excused himself to the rest room for a relatively lengthy period of time and then left the apartment.

36. During the summer of 2013, Defendant and Plaintiff met on a frequent and regular basis with regard to a movie. Defendant PANICCIOLI directed Plaintiff to revise the script and he became involved in playing some of the characters roles, particularly of "The King." Defendant would have Plaintiff act out scenes with him as "The King." Defendant would make Plaintiff dance for him for his erotic pleasure. Defendant PANICCIOLI would touch himself outside of his pants as Plaintiff danced and on several

occasions, took out his erect penis and masturbated. On several occasions, Defendant forced Plaintiff to touch his erect penis.

37. Plaintiff tended to avert her eyes and looked away while “performing” for Defendant.

38. On one particular occasion in Plaintiff’s apartment, Defendant made Plaintiff act out the bath tub scene from the trailer that initially interested Defendant into financing the film. Defendant PANICCIOLI also took this opportunity to “confirm” that Plaintiff was a natural blonde.

39. In the fall of 2013, Defendant PANICCIOLI continued to support the ballet company and their private sessions continued. When Plaintiff danced for Defendant under the guise of rehearsing for the movie, Defendant became extremely brazen and began to caress Plaintiff’s buttocks, put his face into Plaintiff’s chest and forced Plaintiff to sit on Defendant’s lap as he forced penetration of his fingers into Plaintiff’s vagina.

40. On other occasions, Defendant would ask to massage Plaintiff’s feet with his tongue. After these “power withdrawal sessions” as Defendant called them, Defendant would excuse himself to the rest room where he remained for a lengthy period of time.

41. In the fall of 2014, Defendant PANICCIOLI was also very interested in continuing with the film. Beginning in the summer of 2013, Defendant began insisting on weekly dinners in his “honor” in Plaintiff’s apartment for updates in the progress of the film. Defendant would instruct Plaintiff on what she should wear for him during these dinners. Defendant insisted that Plaintiff wear cocktail dresses that “showed lots of tits and ass like the bimbos of the housewife shows.”

42. To curb Defendant PANICCIOLI’s advances, Plaintiff started inviting her neighbor, Lisa, among other women, to join these dinners. At one of these Friday evening events,

Defendant PANICCIOLI arrived before Lisa. Finding Plaintiff alone, Defendant PANICCIOLI yanked down Plaintiff's strapless cocktail dress completely exposing Plaintiff's breasts. Just then, the doorbell rang and Lisa arrived rescuing Plaintiff.

43. At the weekly dinners held in Defendant PANICCIOLI's "honor," Defendant would use crude and vulgar language, such as "Cunt," "Bitch," and "Twat" to address Plaintiff.
44. On numerous occasions, Defendant would constantly use inappropriate language such as "Cock Sucker, Dick Sucker, Blow Job, Ass Fucker, Fudge Packer, and Butt Fucker." Defendant would repeatedly joke about determining if a woman is a "natural blonde" referring to Plaintiff's vagina. Defendant frequently questioned Plaintiff in regard to the regularity of her menstrual cycle and protocols for anal hygiene.
45. Plaintiff eventually found the courage to break away from Defendants despite the fear that Defendants instilled in Plaintiff whether by force, threats, or job insecurity.
46. Defendant PANICCIOLI's actions and conduct were intentional and intended to harm the Plaintiff.
47. The above are just some examples of the unlawful conduct and discrimination to which Defendant subjected Plaintiff on numerous occasions.

BREACH OF CONTRACT

48. On or about May 13, 2013, Defendant PANICCIOLI personally and on behalf of Defendant ACP PROPERTIES LLC entered into a contract with Plaintiff and agreed that he would pay Plaintiff \$160,000 to write, revise and edit the screenplay script for their intended movie, "Forbidden Dreams of Kings."
49. On or about May 13, 2013, Defendants paid Plaintiff \$10,000 in cash as a down payment.

50. Of the \$160,000 owed by Defendants, \$150,000 remains outstanding.
51. Other than the above, Defendants failed to make any other payments.
52. As a result, Defendant was and is bound by the contractual duty in the above-mentioned agreement.
53. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff also suffered future pecuniary losses, emotional pain, humiliation, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses. Plaintiff has further experienced severe emotional and physical distress.
54. As a result of the above, Plaintiff has been damaged in an amount to be determined at trial, which exceeds the jurisdiction of all lower Courts.
55. As Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law, Plaintiff demands Punitive Damages as against all the Defendants, jointly and severally.

**AS A FIRST CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE**

56. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
57. The Administrative Code of City of NY § 8-107 [1] provides that "It shall be an unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital

status, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment."

58. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(a) by creating and maintaining discriminatory working conditions, and otherwise discriminating against the Plaintiff because of her gender, sexual harassment, and retaliation.

**AS A SECOND CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE**

59. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
60. The New York City Administrative Code Title 8, §8-107(1)(e) provides that it shall be unlawful discriminatory practice: "For an employer . . . to discharge . . . or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter. . . "
61. Each of the Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code Title 8, §8-107(1)(e) by discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

**AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE**

62. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
63. New York City Administrative Code Title 8-107(19) Interference with protected rights. It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section.
64. Defendants violated the section cited herein as set forth.

**AS A FOURTH CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE**

65. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
66. New York City Administrative Code Title 8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor.
- a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.

b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:

- (1) the employee or agent exercised managerial or supervisory responsibility; or
- (2) the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or
- (3) the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

67. Defendants violated the section cited herein as set forth.

**AS A FIFTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW**

68. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

69. Executive Law § 296 provides that "1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to

discriminate against such individual in compensation or in terms, conditions or privileges of employment.”

70. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff because of their gender (sexual harassment).
71. Defendants engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of their sex.
72. Plaintiff hereby make a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

**AS A SIXTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW**

73. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.
74. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice:

"For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article."

75. Defendants engaged in an unlawful discriminatory practice by discharging, retaliating, and otherwise discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

**AS A SEVENTH CAUSE OF ACTION
FOR DISCRIMINATION UNDER STATE LAW**

76. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

77. New York State Executive Law §296(6) provides that it shall be an unlawful discriminatory practice:

"For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

78. Defendants engaged in an unlawful discriminatory practice in violation of New York State Executive Law §296(6) by aiding, abetting, inciting, compelling and coercing the discriminatory conduct.

**AS AN EIGHTH CAUSE OF ACTION FOR
ASSAULT AND BATTERY
Against ANTHONY CARMINE PANICCIOLI, individually,**

79. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

That the aforesaid occurrences and resultant injuries to Plaintiff were caused by reason of the intent, carelessness and recklessness of Defendants, their agents, servants and/or employees, suddenly and without provocation did physically assault and batter Plaintiff herein.

AS A NINTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. Plaintiff repeats and realleges each and every allegation made in the complaint as if they were set forth herein fully at length.
81. Defendants' behavior was extreme and outrageous to such extent that the action was atrocious and intolerable in a civilized society.
82. Defendants' conduct was so outrageous in character and extreme in degree as to go beyond all possible bounds of decency.
83. Defendants caused Plaintiff to fear for Plaintiff's own safety.
84. Defendants' breach of their duties to Plaintiff caused Plaintiff to suffer numerous injuries as set forth herein.
85. As a result of Defendants' acts, Plaintiff has been damaged in an amount to be determined at the time of trial.

AS A TENTH CAUSE OF ACTION BY VICTIM OF CONDUCT
CONSTITUTING CERTAIN SEXUAL OFFENSES
AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE

86. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
87. § 130.35 of the New York State Penal Law provides as follows: Rape in the first degree 1
A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person: 1. By forcible compulsion; or 2. Who is incapable of consent by reason of being physically helpless; or 3. Who is less than eleven years old; or 4. Who is

less than thirteen years old and the actor is eighteen years old or more. NY CLS Penal § 130.35

88. § 130.50 of the New York State Penal Law provides as follows: Criminal sexual act in the first degree 1 A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person: 1. By forcible compulsion; or 2. Who is incapable of consent by reason of being physically helpless; or 3. Who is less than eleven yeas old; or 4. Who is less than thirteen years old and the actor is eighteen years old or more. NY CLS Penal § 130.50.

89. Section 130.70 of the New York State Penal Law; "Aggravated sexual abuse in the first degree" provides that "A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

(1) By forcible compulsion; or

(2) Who is incapable of consent by reason of being physically helpless;

90. Aggravated sexual abuse in the first degree is a class B felony."

91. Defendant PANICCIOLI violated the herein sections as set forth herein.

92. § 213-c of the Civil Practice Law and Rules provides as follows: Action by victim of conduct constituting certain sexual offenses: Notwithstanding any other limitation set forth in this article, a civil claim or cause of action to recover from a defendant as hereinafter defined, for physical, psychological or other injury or condition suffered by a person as a result of acts by such defendant of rape in the first degree as defined in section 130.35 of the penal law, or criminal sexual act in the first degree as defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined

in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law may be brought within five years. As used in this section, the term "defendant" shall mean only a person who commits the acts described in this section or who, in a criminal proceeding, could be charged with criminal liability for the commission of such acts pursuant to section 20.00 of the penal law and shall not apply to any related civil claim or cause of action arising from such acts. Nothing in this section shall be construed to require that a criminal charge be brought or a criminal conviction be obtained as a condition of bringing a civil cause of action or receiving a civil judgment pursuant to this section or be construed to require that any of the rules governing a criminal proceeding be applicable to any such civil action. NY CLS CPLR § 213-c.

93. Defendant PANICCIOLI is civilly liable under § 213-c for violating all of the above Sections of the New York State Penal Law as described above.
94. Defendants violated the above law as set forth herein.

AS AN ELEVENTH CAUSE OF ACTION
GENDER MOTIOVATED VIOLENCE PROTECTION ACT

95. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
96. N.Y. ADC. LAW § 8-903 states in relevant part "For purposes of this chapter: a. "Crime of violence" means an act or series of acts that would constitute a misdemeanor or felony against the person as defined in state or federal law or that would constitute a misdemeanor or felony against property as defined in state or federal law if the conduct presents a serious risk of physical injury to another, whether or not those acts have

actually resulted in criminal charges, prosecution, or conviction. b. "Crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender.

97. N.Y. ADC. LAW § 8-904 : NY Code – Section 8-904: Civil Cause of Action states in relevant part “Except as otherwise provided by law, any person claiming to be injured by an individual who commits a crime of violence motivated by gender as defined in section 8-903 of this chapter, shall have a cause of action against such individual in any court of competent jurisdiction for any or all of the following relief: 1. compensatory and punitive damages; 2. injunctive and declaratory relief; 3. attorneys' fees and costs; 4. such other relief as a court may deem appropriate.”

98. N.Y. ADC. LAW § 8-905 Limitations states in relevant part: “a. A civil action under this chapter must be commenced within seven years after the alleged crime of violence motivated by gender as defined in section 8-903 of this chapter occurred. . . . c. Nothing in this section requires a prior criminal complaint, prosecution or conviction to establish the elements of a cause of action under this chapter.

99. Defendant’s conduct constitutes crimes of “violence motivated by gender” under The Victims of Gender-Motivated Violence Protection Act (“VGMVPA”).

100. As a result of defendant’s acts, Plaintiff has been damaged in an amount to be determined at the time of trial.

AS A TWELFTH CAUSE OF ACTION
BREACH OF CONTRACT

101. All above paragraphs are repeated herein as if set forth fully at length.
102. Defendant agreed to comply with all of its obligations under the subject agreement.
103. Defendant has failed to complete or fully perform his obligations.
104. By reason of the foregoing, Defendant breached the subject contract with Plaintiff.
105. By reason of the foregoing, Plaintiff has been damaged an amount to be determined at trial.

JURY DEMAND

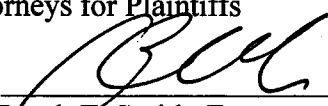
Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount to be determined at the time of trial plus interest, punitive damages, liquidated damages, statutory damages, attorneys' fees, costs, and disbursements of action; and for such other relief as the Court deems just and proper.

Dated: New York, New York
September 11, 2015

DEREK SMITH LAW GROUP, PLLC
Attorneys for Plaintiffs

By: _____


Derek T. Smith, Esq.
30 Broad Street, 35th floor
New York, New York 10004
(212) 587-0760