

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

N.D.,

Plaintiff,

v.

NYP HOLDINGS, INC., d/b/a THE NEW YORK
POST, LAURA ITALIANO, in her professional and
personal capacities, BRAD HAMILTON, in his
professional and personal capacities, LARRY
CELONA, in his professional and personal capacities,
CATHY BURKE, in her professional and personal
capacities, and GARY BUIISO, in his professional and
personal capacities,

Defendants.

Index No.: 305953-2011

SUMMONS

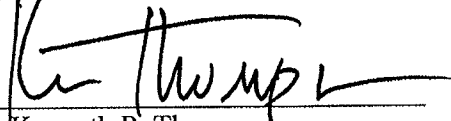
To the above named Defendants:

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 Plaintiffs' attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days 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 relief demanded in the complaint.

Dated: July 5, 2011
New York, New York

THOMPSON WIGDOR LLP

By:


Kenneth P. Thompson
Douglas H. Wigdor

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845

Counsel for Plaintiff

11 JUL -5 AM 10:56
RECEIVED
COUNTY OF BRONX

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

N.D.,

Plaintiff,

v.

NYP HOLDINGS, INC., d/b/a THE NEW YORK
POST, LAURA ITALIANO, in her professional and
personal capacities, BRAD HAMILTON, in his
professional and personal capacities, LARRY
CELONA, in his professional and personal capacities,
CATHY BURKE, in her professional and personal
capacities, and GARY BUIISO, in his professional and
personal capacities,

Defendants.

Index No.:

COMPLAINT

JURY TRIAL DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff N.D. (the "Plaintiff"), by and through her counsel, Thompson Wigdor
LLP, as and for her Complaint in this action against Defendants NYP Holdings, Inc.,
d/b/a the New York Post (the "New York Post"), Laura Italiano, Brad Hamilton, Larry
Celona, Cathy Burke and Gary Buiso, in their professional and personal capacities,
(collectively, the "Defendants"), hereby alleges the following:

NATURE OF THE CLAIMS

1. This action is for declaratory, injunctive and equitable relief, as well as for
monetary damages, to redress repeated acts of defamation and libel *per se* committed by
Defendants against the Plaintiff.

2. Defendants' unlawful conduct was knowing, malicious, willful and
wanton and/or showed a reckless disregard for the Plaintiff's rights, which has caused,
and continues to cause, the Plaintiff disgrace, humiliation and shame throughout the

world, permanent harm to her professional and personal reputations, and severe mental anguish and emotional distress.

PRELIMINARY STATEMENT

3. This case is about repeated acts of defamation and libel *per se* committed by the New York Post and five of its reporters against a woman who was the victim of a violent sexual assault by Dominique Strauss-Kahn, the former head of the International Monetary Fund. Specifically, in several news articles published in both the hardcopy and online editions of the New York Post on July 2, 2011, July 3, 2011 and July 4, 2011, Defendants falsely, maliciously and with reckless disregard for the truth stated as a fact that the Plaintiff is a “prostitute,” “hooker,” “working girl” and/or “routinely traded sex for money with male guests” of the Sofitel hotel located in Manhattan. Defendants also falsely stated in the New York Post that the Plaintiff recently engaged in acts of prostitution with various men at a hotel located in Brooklyn following the sexual assault and while under the protection of the Manhattan District Attorney’s Office and that she “was turning tricks on the taxpayers’ dime.” All of these statements are false, have subjected the Plaintiff to humiliation, scorn and ridicule throughout the world by falsely portraying her as a prostitute or as a woman who trades her body for money and they constitute defamation and libel *per se*.

JURISDICTION AND VENUE

4. This Court has jurisdiction over Defendant NYP Holdings, Inc., d/b/a the New York Post, pursuant to Civil Practice Law and Rules (“CPLR”) § 301 in that it is a domestic corporation duly existing under and by virtue of the laws of the State of New

York and has its principal place of business located at 1211 Avenue of the Americas, New York, New York.

5. This Court has jurisdiction over Defendants Laura Italiano, Brad Hamilton, Larry Celona, Cathy Burke and Gary Buiso pursuant to CPLR § 301 in that they are employees of the New York Post and work in the State of New York.

6. Pursuant to CPLR §503, venue is proper in this county because the Plaintiff currently resides in Bronx County.

PARTIES

7. N.D., a female resident of the Bronx, New York, is a housekeeper who works at the Sofitel New York located at 45 West 44th Street in Manhattan (the “Sofitel”).¹

8. Defendant NYP Holdings, Inc., d/b/a the New York Post, publishes one of the largest and most influential newspapers in the country, and it is read each day by hundreds of thousands of people all over the world, including on the Internet.

9. Defendant Laura Italiano is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

10. Defendant Brad Hamilton is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

¹ The Plaintiff’s full name is not set forth in this Complaint because she is the victim of a sex crime.

11. Defendant Larry Celona is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

12. Defendant Cathy Burke is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

13. Defendant Gary Buiso is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

FACTUAL ALLEGATIONS

14. On May 14, 2011, the Plaintiff was violently sexually assaulted in a hotel room at the Sofitel by Dominique Strauss-Kahn while she was working as a housekeeper at the hotel.

15. After that sexual assault, Mr. Strauss-Kahn was arrested and charged with committing a criminal sex act, attempted rape, sexual abuse, false imprisonment and other offenses against the Plaintiff.

16. In an apparent desperate attempt to bolster its rapidly plunging sales, Defendant New York Post ran a series of defamatory articles regarding the Plaintiff on July 2, 2011, July 3, 2011 and July 4, 2011, which, with the intent to cause or recklessly cause the Plaintiff to suffer severe emotional distress, falsely, maliciously and/or with reckless disregard for the truth stated as a fact that the Plaintiff is a “prostitute,” “hooker,” “working girl,” “routinely traded sex for money with male guests” of the

Sofitel and/or recently engaged in acts of prostitution following the sexual assault and while under the protection of the Manhattan District Attorney's Office.

17. Defendants knew, or should have known, the falsity of such statements before they were published in the New York Post.

A. Defamation and Libel *Per Se* by the Post

18. On July 2, 2011, Defendant New York Post published a false and defamatory front-page headline in large, bold letters regarding the Plaintiff that falsely stated, "DSK Maid a Hooker." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

19. Defendant New York Post knew, or should have known, that this statement was false before it was published.

20. On July 2, 2011, Defendant New York Post published a false and defamatory front-page headline in large, bold letters regarding the Plaintiff that falsely stated that the Plaintiff, "Took Care of Guests on the Side." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

21. Defendant New York Post knew, or should have known, that this statement was false before it was published.

22. On July 2, 2011, Defendant New York Post published a false and defamatory front-page headline in large, bold letters regarding the Plaintiff that stated that the Plaintiff, "Maid Cleaning Up As Hooker." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

23. Defendant New York Post knew, or should have known, that this statement was false before it was published.

24. On July 3, 2011, Defendant New York Post published a false and defamatory front-page headline in large, bold letters regarding the Plaintiff that stated that the Plaintiff “Saw Johns While in DA Protection.” This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

25. Defendant New York Post knew, or should have known, that this statement was false before it was published.

26. On July 3, 2011, Defendant New York Post published a false and defamatory front-page headline in that day’s online edition regarding the Plaintiff that stated, “DSK ‘Refused to Pay’ Hooker Maid for Sex.” This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

27. Defendant New York Post knew, or should have known, that this statement was false before it was published.

28. On July 3, 2011, Defendant New York Post published a false and defamatory statement in that day’s hardcopy and online editions regarding the Plaintiff that stated “Secret Life: The infamous Sofitel maid/hooker” near a picture of what purports to be the Plaintiff covered under a sheet and walking with police officers. This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

29. Defendant New York Post knew, or should have known, that this statement was false before it was published.

30. On July 3, 2011, Defendant New York Post published a false and defamatory headline in large, bold letters in that day’s hardcopy and online editions regarding the Plaintiff that stated that “Hotel Maid Got Stiffed By Dom.” This false and

scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

31. Defendant New York Post knew, or should have known, that this statement was false before it was published.

32. On July 3, 2011, Defendant New York Post published a false and defamatory headline in large, bold letters in that day's hardcopy and online editions regarding the Plaintiff that stated that "Accuser Denied Her Suite Payoff." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

33. Defendant New York Post knew, or should have known, that this statement was false before it was published.

B. Defamation and Libel *Per Se* by the Post and Laura Italiano

34. On July 2, 2011, in an article in that day's hardcopy and online editions entitled, "Maid Cleaning Up as Hooker," Defendants New York Post and Laura Italiano stated that "Dominique Strauss-Kahn's accuser wasn't just a girl working at a hotel -- she was a working girl." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

35. Defendants New York Post and/or Italiano knew, or should have known, that this statement was false before it was published.

36. Upon information and belief, Defendant Italiano was acting within the scope of her respective employment with Defendant New York Post when Defendants New York Post and/or Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

37. On July 2, 2011, in an article in that day's hardcopy and online editions entitled, "Maid Cleaning Up as Hooker," Defendants New York Post and Italiano stated that "The Sofitel housekeeper who claims the former IMF boss sexually assaulted her in his room was doing double duty as a prostitute, collecting cash on the side from male guests, the Post has learned." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

38. Defendants New York Post and/or Italiano knew, or should have known, that this statement was false before it was published.

39. Upon information and belief, Defendant Italiano was acting within the scope of her respective employment with Defendant New York Post when Defendants New York Post and/or Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

40. On July 2, 2011, in an article in that day's hardcopy and online editions entitled, "Maid Cleaning Up as Hooker," Defendants New York Post and Italiano stated that "The woman was allegedly purposely assigned to the Midtown hotel by her union because it knew she would bring in big bucks." This statement falsely portrays the Plaintiff as a prostitute who was assigned to the Sofitel by her union to engage in sexual acts with customers of the hotel in order to make money for herself and the union, which according to the New York Post doubles as her pimp. This false and scurrilous statement constitutes defamation and libel *per se* committed against the Plaintiff.

41. Defendants New York Post and/or Italiano knew, or should have known, that this statement was false before it was published.

42. Upon information and belief, Defendant Italiano was acting within the scope of her respective employment with Defendant New York Post when Defendants New York Post and/or Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

C. Defamation and Libel *Per Se* by the Post, Brad Hamilton, Larry Celona and Italiano

43. On July 3, 2011, in an article in that day's hardcopy and online editions entitled, "Hotel Maid Got Stiffed By Dom," Defendants New York Post, Brad Hamilton, Larry Celona and Italiano stated that, "The Sofitel maid who accused Dominique Strauss-Kahn of a sex attack in his suite wasn't just a hotel hooker -- she continued to work as a prostitute in a Brooklyn hotel where she was stashed by prosecutors, The Post has learned." This false and scurrilous statement, which states that the Plaintiff was engaging in acts of prostitution following the sexual assault and while under the protection of the Manhattan District Attorney's Office, constituted defamation and libel *per se* committed against the Plaintiff.

44. Defendants New York Post, Hamilton, Celona and/or Italiano knew, or should have known, that this statement was false before it was published.

45. Upon information and belief, Defendants Hamilton, Celona and Italiano were acting within the scope of their respective employment with Defendant New York Post when Defendants New York Post, Hamilton, Celona and Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

46. On July 3, 2011, in an article in that day's hardcopy and online editions entitled, "Hotel Maid Got Stiffed By Dom" and "Maid 'Laid' Low As DA Paid For

Digs,” Defendants New York Post, Hamilton, Celona and Italiano stated that the Plaintiff “was turning tricks on the taxpayers' dime!” This false and scurrilous statement, which also falsely states that the Plaintiff was engaging in acts of prostitution following the sexual assault and while under the protection of the Manhattan District Attorney’s Office, constituted defamation and libel *per se* committed against the Plaintiff.

47. Defendants New York Post, Hamilton, Celona and/or Italiano knew, or should have known, that this statement was false before it was published.

48. Upon information and belief, Defendants Hamilton, Celona and Italiano were acting within the scope of their respective employment with Defendant New York Post when Defendants New York Post, Hamilton, Celona and Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

49. On July 4, 2011, Defendants New York Post, Hamilton, Celona and Italiano made that same false and defamatory statement about the Plaintiff in an article in the online version of the New York Post entitled “Maid ‘Laid’ Low As DA Paid For Digs.”

50. Defendants New York Post, Hamilton, Celona and/or Italiano knew, or should have known, that this statement was false before it was published again online.

51. Upon information and belief, Defendants Hamilton, Celona and Italiano were acting within the scope of their respective employment with Defendant New York Post when Defendants New York Post, Hamilton, Celona and Italiano wrote, issued, approved, endorsed and/or ratified the above defamatory statement again.

D. Defamation and Libel *Per Se* by the Post, Hamilton, Cathy Burke, Italiano and Gary Buiso

52. On July 3, 2011, in an article in that day's hardcopy edition entitled, "Accuser Denied Her Suite Payoff," and its online edition entitled, "DSK 'Refused to Pay' Hooker Maid for Sex," Defendants New York Post, Hamilton, Cathy Burke, Italiano and Gary Buiso stated that, "The maid . . . routinely traded sex for money with male guests . . ." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

53. Defendants New York Post, Hamilton, Burke, Italiano and/or Buiso knew, or should have known, that this statement was false before it was published.

54. Upon information and belief, Defendants Hamilton, Burke, Italiano and Buiso were acting within the scope of their respective employment with Defendant New York Post when Defendants New York Post, Hamilton, Burke, Italiano and/or Buiso wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

55. These defamatory and libelous statements described above were made by the Defendants with malice and/or a reckless disregard for the truth or falsity of such statements.

56. These defamatory and libelous statements described above were published to third parties, namely, to hundreds of thousands of readers of the New York Post.

57. As a result of these defamatory and libelous statements described above, many other newspapers and/or news organizations around the world have reached out to the Plaintiff's lawyers through emails and telephone calls for comment that she is a prostitute as reported by the New York Post and the five reporters named in this lawsuit.

Additionally, multiple news organizations around the world have repeated the false and defamatory statements by Defendants that the Plaintiff is a prostitute.

58. These defamatory and libelous statements describe above have had a devastating effect on the Plaintiff's personal and professional reputations.

AS AND FOR A FIRST CAUSE OF ACTION

(Defamation and Libel *Per Se*)

59. The Plaintiff hereby repeats and re-alleges each and every allegation in paragraphs 1 through 58, inclusive, as if fully set forth herein.

60. Defendants either published, or caused to be published, defamatory statements about the Plaintiff.

61. Specifically, these defamatory statements included a false assertion that Plaintiff is a "prostitute," "hooker," "working girl" and/or "routinely traded sex for money with male guests" of the Sofitel.

62. These defamatory statements also included a false assertion that Plaintiff had engaged in criminal activity by engaging in acts of prostitution, including following her sexual assault by Dominique Strauss-Kahn and while under the protection of the Manhattan District Attorney's Office.

63. Defendants published these defamatory statements to the public through the hardcopy and online editions of the New York Post on July 2, 2011, July 3, 2011 and July 4, 2011.

64. These defamatory statements were untrue and defamatory in that they falsely reported the Plaintiff's character and actions, and Defendants knew, or should have known, that such statements were false.

65. Defendants published these false and defamatory statements with malice.

66. Defendants published these false and defamatory statements with knowledge of their falsity and/or with a reckless disregard for the truth or falsity of these statements.

67. These statements constitute defamation and/or libel *per se* because they falsely portray the Plaintiff as a woman who has exchanged, and continues to exchange, her body for money.

68. These statements constitute defamation and/or libel *per se* because they falsely impugn the Plaintiff's honesty, trustworthiness, dependability, and professional fitness and abilities by falsely charging her with engaging in criminal conduct and/or other conduct that would tend to injure the Plaintiff in her trade or business, namely as a hotel housekeeper.

69. These false and defamatory statements have caused the Plaintiff embarrassment, humiliation and emotional injury.

70. Defendants are liable to the Plaintiff for defamation.

71. Defendants knew, or should have known, of the falsity of such statements made in the hardcopy and online editions of the New York Post on July 2, 2011, July 3, 2011 and July 4, 2011.

72. Upon information and belief, Defendants have made, and continue to make, this and similarly false and defamatory statements about the Plaintiff to third parties.

73. As a result of said defamation, the Plaintiff continues to suffer from humiliation, loss of standing in the community, loss of self-esteem, public disgrace and severe and extreme emotional distress.

74. The defamatory acts committed against the Plaintiff by Defendants were intentional, willful, wanton, malicious and oppressive and were motivated, in part, by a desire to sell newspapers without regard for the truth or the Plaintiff's well-being and were based on a lack of concern and ill-will towards the Plaintiff and/or a deliberate or reckless disregard for her rights, for which the Plaintiff is entitled to an award of punitive damages.

75. The Plaintiff has suffered harm as a result of the defamatory statements including, but not limited to, reputational harm, emotional distress and mental anguish and the statements were defamatory *per se*.

76. As a result of Defendants' conduct, the Plaintiff is entitled to monetary and punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

77. The Plaintiff hereby repeats and re-alleges each and every allegation in paragraphs 1 through 76, inclusive, as if fully set forth herein.

78. Defendants engaged in conduct toward Plaintiff that is extreme and outrageous so as to exceed the bounds of decency in a civilized society.

79. Among other conduct, Defendants' repeated false, scurrilous and defamatory statements published in the New York Post on July 2, 2011, July 3, 2011 and July 4, 2011 that the Plaintiff is a "prostitute," "hooker," "working girl" and/or "routinely traded sex for money with male guests" of the Sofitel, as well as recently engaged in acts of prostitution following the sexual assault and while in the protection of the Manhattan District Attorney's Office, when Defendants knew, or should have known about the

falsity of those statements, constitutes extreme and outrageous conduct that exceeds the bounds of decency in a civilized society.

80. By their actions and conduct, Defendants intended to and did intentionally or recklessly cause the Plaintiff to suffer severe emotional distress.

81. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and continues to suffer, severe emotional distress, for which she is entitled to an award of damages.

82. Defendants' extreme and outrageous conduct was knowing, malicious, willful and wanton, entitling the Plaintiff to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff N.D. prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein were defamatory and intentionally or recklessly cause the Plaintiff to suffer severe emotional distress;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate the Plaintiff for all monetary and/or economic harm;

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate the Plaintiff for harm to her professional and personal reputations and loss of career fulfillment;

E. An award of damages in an amount to be determined at trial, plus

prejudgment interest, to compensate the Plaintiff for all non-monetary and/or compensatory harm, including but not limited to, compensation for her mental anguish;

F. An award of damages for any and all other monetary and/or non-monetary losses suffered by the Plaintiff in an amount to be determined at trial, plus prejudgment interest;

G. An award of punitive damages;

H. An award of costs that the Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and

I. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York
July 5, 2011

Respectfully submitted,

THOMPSON WIGDOR LLP

By: 

Kenneth P. Thompson
Douglas H. Wigdor

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845

Counsel for Plaintiff