

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LUISA C. ESPOSITO,

Plaintiff,

-against-

**Civil Action No:  
07 CV 11612 (SAS) (DFE)**

THE STATE OF NEW YORK, THE OFFICE OF COURT  
ADMINISTRATION OF THE UNIFIED COURT SYSTEM,  
THOMAS J. CAHILL, in his official and  
individual capacity, NAOMI GOLDSTEIN, in her official  
and individual capacity, ALBERT S. BLINDER,  
in his official and individual capacity,  
HARVEY GLADSTEIN & PARTNERS LLC  
f/k/a GLADSTEIN & ISAAC, and  
ALLEN H. ISAAC, individually and as a partner of  
HARVEY GLADSTEIN & PARTNERS LLC f/k/a  
GLADSTEIN & ISAAC, THE CITY OF NEW YORK,  
RAYMOND KELLY, in his official and individual  
capacity, ROBERT ARBUISO, in his official and  
and individual capacity, and ADAM I. LAMBOY,  
in his official and individual capacity, Jane and John Does,

Defendants.

**AMENDED  
COMPLAINT**

**JURY TRIAL DEMANDED**

-----X  
**PLAINTIFF**, LUISA C. ESPOSITO, Pro Se, as and for her Amended Complaint against  
the above-captioned defendants, alleges upon knowledge as to her own facts and upon  
information and belief as to all other matters:

**PRELIMINARY STATEMENT**

1. This is a civil action seeking injunctive relief, monetary relief, compensatory and  
punitive damages, disbursements, costs and fees for violations of rights, brought pursuant to 42  
U.S.C. § 1983; the First and Fourteenth Amendments to the United States Constitution; State  
law claims, and 18 U. S. C. § 1503, § 1510, and § 1511, Civil Rico Act claims.

2. Specifically, Plaintiff alleges that all of the above-captioned defendants wantonly, recklessly, knowingly and purposefully, acting individually and in conspiracy with each other, sought to deprive Plaintiff of her Constitutional rights, by means of misrepresentation, fraud, harassment, manipulation of laws, rules, and regulations and for various other reasons. Plaintiff read in *The New York Times*, an article by Paul Vitello, regarding a former attorney-employee at the New York State Supreme Court, Appellate Division, First Department's Departmental Disciplinary Committee ("DDC"), a Ms. Christine C. Anderson, who had filed a \$10 million complaint against the DDC in U.S.D.C., S.D.N.Y., regarding "*white-washing*" of complaints against certain select attorneys for "*political reasons.*"

3. Plaintiff also specifically brings claims against defendants Allen H. Isaac (in his individual capacity and in his capacity as a partner of Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac) and Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac, for assault, breach of contract, and breach of fiduciary duties.

#### **JURISDICTION AND VENUE**

4. Jurisdiction of this Court is invoked under 28 U.S.C. §1331, 28 U.S.C. §§1343(3) and (4), and the First and Fourteenth Amendments to the United States Constitution. Pendent jurisdiction over Plaintiff's state law claims is proper pursuant to 28 U.S.C. §1367.

5. This Court has jurisdiction pursuant to 42 U.S.C. §1983, because Defendant the State of New York is a "state actor" within the meaning of §1983; and the Office of Court Administration of the Unified Court System, New York State Supreme Court, Appellate Division, First Judicial Department, is an arm of the State of New York and a "state actor" within the meaning of § 1983.

6. This Court has pendent jurisdiction pursuant to Civil Rico Claims, 18 U. S. C. §1503, §1510, §1511, et. seq., First, and Fourteenth Amendments to the United States Constitution regarding defamation of character, Civil Rights, and conspiracy.

7. Venue herein is proper under 28 U.S.C. § 1391(b); the cause of action arose in the Southern District of New York, all of the parties reside or are located in the State of New York, and because the events or omissions giving rise to Plaintiff's claims occurred in this judicial district.

### **THE PARTIES**

8. At all times relevant in this Complaint, Plaintiff is an individual white Caucasian woman of Italian descent, residing in the State of New York. At all times relevant hereto, Plaintiff was a complainant and witness in a pending Grievance complaint before the DDC against her former attorney, Allen H. Isaac, Esq. (Docket No. 2005.3074).

9. At all times relevant to this Complaint, upon information and belief, Defendant Allen H. Isaac, Esq. (hereinafter "Isaac") is an individual residing in the State of New York, and a partner in defendant law firm Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac.

10. At all times relevant to this Complaint, Defendant Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac, is a domestic professional service limited liability company, providing legal services to the public, located at 110 Wall Street, New York, New York 10005.

11. At all times relevant to this Complaint, Defendant STATE OF NEW YORK (hereinafter "State") is a sovereign state of the United States of America. At all times relevant

herein, Defendant State was an employer within the meaning of the Constitution of the State of New York and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

12. At all times relevant to this Complaint, Defendant OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM, New York State Supreme Court, Appellate Division, First Judicial Department (hereinafter “OCA”) is and was at all relevant times a governmental entity created by and authorized under the laws of the State of New York.

13. At all times relevant to this complaint, Defendant Naomi Goldstein (hereinafter “Goldstein”) (white female), sued in her official and individual capacity, was upon information and belief, a citizen of the United States, residing in the State of New York. At all times relevant herein, Defendant Goldstein was the prosecuting attorney regarding Plaintiff’s complaint against defendant Isaac.

14. At all times relevant to this complaint, Defendant Thomas J. Cahill (hereinafter “Cahill”) (white male), sued here in his official and individual capacity, is an attorney, who, under information and belief, resides in the state of Connecticut. At all times relevant herein, Defendant Cahill was employed as Chief Counsel for the DDC; was a policy maker for administrative and employment-related matters at the DDC; and was an employer within the meaning of the Constitution of the State of New York.

15. At all times relevant in this complaint, Defendant Referee Albert S. Blinder (hereinafter “Blinder”) (white male), sued herein in his official and individual capacity, is a retired judge employed by the DDC to sit as a referee in the complaint against Isaac. Upon information and belief, Blinder resides in the State of New York.

16. At all times relevant in this complaint, Defendant City of New York (hereinafter “City”) is a sovereign State of the United States of America. At all times relevant herein, Defendant City was an employer within the meaning of the Constitution of the City and State of New York and was a Governmental entity acting under color of laws, statutes, ordinances, regulations, policies, customs and usages of the City and State of New York.

17. At all times relevant to this complaint, Defendant Raymond Kelly (hereinafter “Kelly”), sued here in his official and individual capacity, was the Police Commissioner and was a policy maker for administrative and employment- related matters at the New York City Police Department located at One Police Plaza, New York, N.Y, was and is an employer within the meaning of the Constitution of the City and State and was a Governmental entity acting under color of laws, statutes, ordinances, regulations, policies, customs and usages for the City and State of New York.

18. At all times relevant to this complaint, Defendant Robert Arbuiso (hereinafter “Arbuiso”), sued here in his official and individual capacity, was a Detective at Manhattan Special Victims Unit located at 221 East 123<sup>rd</sup> Street, New York, N.Y. At all times relevant herein, Arbuiso did not perform his tasks and duties competently, satisfactorily, and efficiently under color of laws, statutes, ordinances, regulations, policies, customs and usages for the City and State of New York.

19. At all times relevant to this complaint, Defendant Adam I. Lamboy (hereinafter “Lamboy”), sued here in his official and individual capacity, was a Lieutenant at the Manhattan

Special Victims Unit located at 221 East 123<sup>rd</sup> Street, New York, N.Y. At all times relevant herein, Lamboy did not perform his tasks and duties competently, satisfactorily, and efficiently under color of laws, statues, ordinances, regulations, policies, customs and usages for the City and State of New York.

## **FACTUAL BACKGROUND**

### **The Sexual Assault**

20. In or about June 2005, Plaintiff retained the law firm of Gladstein & Isaac, now known as Harvey Gladstein & Partners LLC, to represent her in a legal matter resulting from a car accident. In furtherance of this meeting, and for the purpose of trial preparation, on or about July 8, 2005, Plaintiff met with Isaac at the law offices of Gladstein & Isaac, located at 110 Wall Street, New York, N.Y. 10005.

21. On or about July 8, 2005, during this meeting, Isaac *sexually assaulted* Plaintiff without cause or provocation, by reaching his hand inside Plaintiff's bra and grabbing her left breast without her permission, upon leaving Isaac's office she immediately told her friend about the assault done by Mr. Isaac. Mr. Isaac called Plaintiff later that day and told Plaintiff "if she tells anyone what he had done to her, he would no longer represent Plaintiff in her case". He said, "I have to be able to trust you, you keep your mouth shut". Following this incident, Isaac continually telephoned Plaintiff, and asked her to compile a list of "**Graphic Sex Acts**" that she could no longer perform as a result of her accident, such as, "DO YOU LIKE TO BEND OVER DURING ANAL SEX; DO YOU LIKE TO GIVE ORAL SEX"? Isaac wanted to know every personal, sexual detail of Plaintiffs' life. Isaac asked Plaintiff "to send him sexy pictures of her to his home, along with the list of graphic sex acts." He said, "Mark it personal and confidential"—

“I will then extrapolate all the “HARDCORE STUFF” and “I will use what I want to use, and how I want to use it, and then I will put it into a softer version.” Plaintiff taped a number of these telephone conversations.

22. On another occasion, on or about September 16, 2005, Isaac locked Plaintiff in his office and demanded that she try on clothing in front of him. Isaac, after hanging up on a telephone call, came from behind Plaintiff and grabbed both of her breasts, and said “GREAT TITS”. Isaac proceeded to tell Plaintiff that “He wanted something in return for taking her case on”. He told Plaintiff “Nobody gets something for nothing in this world”. Isaac then asked Plaintiff twice, “What do you think I want from you?” Plaintiff did not know the answer. Isaac then asked stated: “I WANT A BLOW JOB FROM YOU”—“TWO BEFORE I EVEN TRY YOUR CASE”. Plaintiff asked, “If I don’t comply with your demands?” Isaac replied, “Go home and think about it and let me know what you decide”. Plaintiff suffers from Crohn’s Disease, and became violently ill. As she was leaving the office, Isaac grabbed Plaintiff’s buttocks. This was physical assault was witnessed by someone in Isaac’s office at Gladstein & Isaac, and by Faith Wyckoff. After this sexual assault, Isaac contacted Plaintiff and told her “If she told anyone what he had done to her that he would no longer represent her on her case.

**Plaintiff met with the New York County’s District Attorney’s Office**

23. On or about October or November 2005, Plaintiff contacted the New York County District Attorney’s Office located at 10 Hogan Place, New York, N.Y. and met with ADA Jennifer Steiner Crowell. Their meeting lasted approximately three hours; Plaintiff gave ADA Crowell the One Hour 49 minute A/V tape, and was asked to sign medical releases for Grand Jury Subpoena’s. Plaintiff was told by ADA Crowell, “She was going to be in front of the Grand

Jury by the following week December 5, 2005. ADA Crowell told Plaintiff, “She was going to get Mr. Isaac on extortion, coercion, and sexual abuse, felony charges”. At the end of their meeting ADA Crowell never had Plaintiff sign a ***Supporting Deposition statement***.

24. Plaintiff contacted ADA Crowell numerous times after their first meeting, and all of Plaintiff’s phone calls were ignored.

**Plaintiff met with Detective Arbusio of the Manhattan Special Victims Unit**

25. In or about December 23<sup>rd</sup> 2005, Plaintiff met with Defendant Detective Arbusio of the Manhattan Special Victims Unit, after Plaintiff called and spoke to a female Detective at the Rape Crisis Hotline. Plaintiff discussed her concerns about the District Attorney’s Office with the Detective at the Rape Crisis Hotline, because ADA Crowell did not listen to the evidence, and was not returning any of Plaintiff’s phone calls. Defendant Arbusio questioned Plaintiff and her witness Faith Wyckoff about the alleged sexual assaults. Plaintiff gave Arbusio the One Hour 49 minute A/V tape (evidence). Defendant Arbusio told Plaintiff he needed to listen to the evidence along with his bosses and that he would be calling her the following day to let her know if he could make an arrest based on the evidence and after listening to the A/V tape. During Plaintiff’s interview with Defendant Arbusio he did not have Plaintiff or witness Ms. Wyckoff sign a ***Supporting Deposition statement***, even after Plaintiff insisted on signing a supporting affidavit statement. Defendant Arbusio called Plaintiff the following day and adamantly told Plaintiff after listening to the One Hour 49 minute A/V tape (evidence), “Yes, it is a crime, I don’t care who he is, I am going to collar him, and you have my word”. Police Report reads, “Felony, Sexual Abuse, Wanted Allen H. Isaac”. (Complaint Report # 2005-001-09770).

26. After several phone calls to Defendant Arbuiso and being ping-ponged back and forth by Defendant Arbuiso, Plaintiff called Defendant Arbuiso and asked, “Why aren’t you arresting Allen Isaac, as you promised”. Defendant Arbuiso told Plaintiff numerous times, “I want to make the arrest”, but “*favours*” are getting called in, “*my hands are tied*”. Defendant Arbuiso told Plaintiff “*it was ADA Lisa Friel that wasn’t allowing the arrest*”.

27. On or about February 2006, Plaintiff was called into the New York County’s District Attorney’s Office and met with ADA Jennifer Steiner Crowell and ADA Lisa Friel. Plaintiff was accompanied that day by Criminal Attorney William Kephart. ADA Friel would not allow Mr. Kephart to represent Plaintiff during their meeting. ADA Friel asked Mr. Kephart “to wait outside”. ADA Friel began a series of *vicious and harassing attacks*, causing Plaintiff to cry so hard, she could barely breathe. ADA Friel told Plaintiff, “She did not believe her version of the story, that she believed Isaac’s version of his story”. She said to Plaintiff, “*What were you bending over and showing Isaac your cleavage, I don’t believe you, I believe him, you’re a liar, you’re not creditable*”.

28. On or about March 2006, the District Attorney’s Office closed their Investigation. Upon information and belief, a Grand Jury was never impaneled; evidence was never presented to a Grand Jury. *ADA Crowell and ADA Lisa Friel never asked Plaintiff or her witnesses to sign Supporting Depositions or statements pertaining to these alleged crimes.*

29. On or about July 2007, Plaintiff met with Defendant Lieutenant Adam I. Lamboy of the Manhattan Special Victims Unit to discuss why these alleged crimes were never

addressed. Plaintiff told Defendant Lamboy she wanted Mr. Isaac arrested for these alleged crimes and tried to hand Defendant Lamboy a supporting signed affidavit. Defendant Lamboy would not accept the affidavit, he told Plaintiff, “Go home have the sworn affidavit signed and notarized, then she could fax it to him later on”. Plaintiffs’ pleas were once again ignored and dismissed.

30. On or about July 2007, Plaintiff hired Criminal Attorney Anthony Denaro. Mr. Denaro sent a letter via Federal Express to Defendant Police Commissioner Raymond Kelly, a *Notice and Demand* asking to arrest Mr. Isaac for reported “**Felony level Sexual Abuse**”. On or about July 11, 2007, Associate Chief Commanding Officer Lowell Stahl from the Police Commissioners Office of the New York City Police Department returned a response to Mr. Denaro’s Notice and Demand on July 11, 2007, stating “acknowledging the letter dated July 3, 2007 regarding the lack of action by the Police department to Ms. Esposito’s sexual assault complaint. Please be advised this matter is being forwarded to an official of the New York City Police Department for appropriate handling” (Complaint No. 2007-13187).

**Plaintiff Files a Complaint with the DDC**

31. In or about October or November 2005, Plaintiff filed a Grievance complaint with the DDC against Isaac, complaining about “Sexual Abuse”, “Professional Misconduct”, among other state and federal violations. Plaintiff also filed a report with the police. Plaintiff’s complaint with the DDC was handled by Naomi Goldstein, an attorney with the DDC. Plaintiff submitted a number of her taped telephone conversations to the DDC and Goldstein in support of her complaint. On or about October 7, 2005, a private investigator wired Plaintiff and there was

produced a 1- Hour and 49-minute DVD Audio-Video tape of Isaac's admissions to sexually assaulting Plaintiff. On this DVD Audio/Video tape, Isaac demands sexual favors in return for legal representation, and also discusses getting favors from Judges on his cases and on Plaintiffs' case. **(A copy of this DVD-A/V tape is attached hereto as Exhibit A.)**

32. For nearly one year, 2006 through 2007, defendant Goldstein had been contacting Plaintiff via telephone, to interview her, regarding her complaint against Isaac. Defendant Goldstein indicated to Plaintiff that Isaac had been deposed and charged with very serious charges, which she could not reveal to Plaintiff. After numerous alleged interviews with Isaac, Goldstein told Plaintiff, "If Mr. Isaac does not get disbarred; she is going to quit her job at the DDC." Goldstein told Plaintiff, "Mr. Isaac is a disgrace to the legal profession." Defendant Goldstein told Plaintiff that the "DDC had asked Mr. Isaac to hand in his law license with admissions to sexually and physically abusing Plaintiff."

33. At some point, however, Goldstein changed her attitude towards Isaac, and towards Plaintiff. For example, Plaintiff, on numerous occasions, asked defendant Goldstein if she could have her attorney, Jeffrey Lisabeth, Esq., be present with her during the Grievance hearings, in order to protect her interests. Defendant Goldstein told Plaintiff "She is not allowed legal representation during these hearings."

34. The DDC hearings against Isaac began in April 2007. Defendant Goldstein asked Plaintiff to arrive early, so that she could brief Plaintiff with respect with respect to her "direct testimony." Then, in April, 2007, defendant began direct testimony with Plaintiff still not being allowed to be accompanied by her attorney, or for that matter, anyone else.

35. At another meeting, prior to testifying on direct, defendant Goldstein wanted Plaintiff to listen to the taped telephone conversations and transcripts, regarding Isaac and Plaintiff. Defendant Goldstein told Plaintiff to “Testify under oath that the telephone tapes and transcripts were authentic and to attest to their accuracy.” Goldstein then handed Plaintiff’s the DDC’s transcription, transcribed by a Carole Ludwig on June 21, 2006, purportedly of the 1-hour 49-minute DVD Audio-Video tape which consisted of Isaac’s admissions. Goldstein told Plaintiff to “read it,” and that she, Plaintiff, would be listening to the DVD Audio-video tape along with the Court, Isaac and his attorneys.

**Plaintiff Discovers Corruption at the DDC**

36. After reviewing the DDC’s transcription of the 1-hour and 49-minute DVD A/V tape, Plaintiff realized that it had significant errors and omissions pertaining to critical conversations. Plaintiff pointed these errors out to Goldstein and told Goldstein that she was not going to perjure herself under oath, after reading their so-called “fudged” transcript. Goldstein replied that the transcriber who prepared the transcription may have been deaf. Plaintiff later left the hearings after falling gravely ill. Plaintiff returned to the DDC to retrieve her telephone tapes from Goldstein, since Goldstein had previously promised that they would be returned by the end of the day. Despite numerous requests, Plaintiff never received her tapes. Goldstein told Plaintiff, “I cannot return them to you.” Plaintiff discussed with Goldstein that she had thought that she could trust her, and now, after seeing and experiencing what was going on in the hearings, her feelings had changed. During their meeting, Goldstein called in a Nicole Corrado,

another attorney with the DDC, and a gentleman in control of the tape recorder during the hearing. Plaintiff discussed the DVD A/V transcript and errors and wanted to listen to the tape. Plaintiff asked Ms. Corrado if she could get a copy of the DDC's transcript. Ms. Corrado gave Plaintiff a copy of the DDC's copy of the DVD A/V transcript. Defendant Goldstein appeared annoyed that Ms. Corrado had given Plaintiff a copy.

37. On May 1, 2007, Plaintiff wrote numerous letters to the Court, Judge Judith Kaye, Goldstein, Cahill and Blinder, pointing out the numerous errors regarding the DDC's transcript and asking, "Why are they not allowing her attorney to attend the hearings." Plaintiff asked Goldstein to "Point out where it is written [in the DDC's rules] that Plaintiff could not have an attorney present to protect her interests." Defendant Goldstein did not address Plaintiff's letters. Plaintiff also asked Goldstein in her numerous letters, why Goldstein was not calling in Plaintiff's witnesses to corroborate her complaints against Isaac; and why was Goldstein not submitting all of the telephone tapes of Isaac and Plaintiff. For example, Plaintiff learned that an intern who worked for Isaac had reported to a CBS News Investigator reporter, Scott Weinberger, that what happened to Plaintiff was not an isolated incident, but Goldstein was not calling in that intern to testify. In addition, Plaintiff's out-cry witness, Diane Purhagen, was not being called in to testify as a witness. Plaintiff also asked "Why the Police Report was not being entered into evidence." Plaintiff received no response.

38. Plaintiff's Crohn's disease worsened (as it is exacerbated by stress); she was hospitalized twice as a result. Plaintiff frequently cannot sleep or eat and she suffers from severe

abdominal pain, frequent bloody bowel movements, anxiety and panic attacks and fears for her safety. That all began as a direct result of Isaac's sexual assaults, extortionate demands, and coercion tactics; that illness has escalated further, because of the DDC's failure to protect Plaintiff's Constitutional rights by denying Plaintiff access to a fair court system, denying plaintiff her right to legal representation, denying plaintiff due process of law, among other humiliating tactics and abuses, as detailed below. Plaintiff reported these all of these violations and requested a fair court system, but upon information and belief, all parties were conspiring to protect Isaac.

**The DDC's Sham Proceedings**

39. In May 2007, Goldstein, the Court, Isaac and Isaac's attorneys (Richard Godosky and Michael Ross) listened to the DVD A/V tape outside of Plaintiff's presence, after Goldstein had instructed Plaintiff to "testify to its accuracy and the Plaintiff would be listening to the DVD, that day after testifying." In fact, Plaintiff had never heard the tape that her former attorney had submitted to the court. When Plaintiff asked Blinder if she could listen to the DVD tape together with the assembled body, Blinder told her: "You are only a witness, you are not going to waste the Court's time, or my time, no."

40. On or about May 3, 2007, on direct with Goldstein and cross-examination by Isaac's attorney Richard Godosky, Goldstein told Plaintiff: "Plaintiff could not bring her papers or folder into the hearing room and then warned her not to bring anything in with her." Nevertheless, Plaintiff brought her folder in. Goldstein took Plaintiff's folder and placed it on the floor, then

Godosky took Plaintiff's folder and said, "What's this your Honor? I want this submitted into evidence." That was done, by Godosky, submitting Plaintiff's folder as "Respondent's Exhibit." Plaintiff was never allowed access to her folder; nor was she allowed to have an attorney accompany her-even though Isaac was permitted to have **two** attorneys present.

41. Plaintiff also requested of Blinder numerous times, to permit her to be accompanied by her counsel. Blinder refused. He stated, "If you want your lawyer here, he could sit in the hall, but he's not allowed in these proceedings." Upon information and belief, defendant Blinder is a retired judge, and as a result, he is well aware of Plaintiff of her constitutional rights, yet he willingly participated in unethical behavior, designed to deprive Plaintiff of her constitutional rights. Plaintiff is forced to inquire: were there any "conflicts of interest" regarding Blinder and Isaac?

42. Plaintiff submitted numerous telephone tapes to the Court, and read the transcripts of the telephone conversations. Plaintiff realized that one of the telephone tapes, the beginning of the tape had been erased. Plaintiff pointed that fact to Goldstein, who responded, "Oh Luisa, just do it, testify to its accuracy". Despite the DDC's possession of various complete accurate tapes, supplied by Plaintiff, Goldstein "cherry-picked" those she felt she wanted to submit into evidence, and submitted a tape that Plaintiff believed has been doctored. Plaintiff was horrified. By the end of the day, Plaintiff could literally not breathe, because she was crying so hard after witnessing the DDC's sham proceedings; and after suffering their repeated violation of her constitutional rights.

43. Plaintiff's doctor had concerns regarding her health. He submitted several letters pertaining to Plaintiff's medical condition, which described her severe bouts of bloody bowel

movements, severe abdominal cramping, and fevers. Plaintiff's gastroenterologist stated in his letters that Plaintiff "Could not return to testify until her medical condition stabilized" and did not want her health at risk. His letters were apparently not good enough for Goldstein, however, because she sought Plaintiff's entire medical file and notes from her doctor. Plaintiff would not permit the release of her doctor's medical office notes and records. Yet Goldstein further harassed DDC were adjourned until September 25, 2007. Prior to that date, Goldstein contacted Plaintiff on several occasions, asking for letters and records of personal medical files, and asking Plaintiff to return to the DDC on September 25, 2007, to complete her cross-examination. Plaintiff was unable to do so on account of the condition of her health; also, because she was being denied the presence of her attorney. Plaintiff felt as though she was being treated like she a criminal – being denied counsel; being repeatedly harassed by Goldstein; and because of Goldstein's invasive demands for her personal medical files. Plaintiff felt as though she was being victimized again; after having being sexually assaulted by Isaac, in seeking justice through the DDC, she was instead harassed, lied to, and demeaned.

44. Plaintiff reported the "*flawed*" and "*unethical*" conduct that had occurred procedures in several letters to Cahill. Nevertheless, Plaintiff's complaints were, once again, bounced around and dismissed. Cahill did nothing to further the interests of justice on behalf of the Court and specifically, his agency, the DDC. Upon information and belief, Cahill was asked to retire and is under investigation.

45. Upon information and belief, all defendants conspired with each other and agreed with each other to act in concert to deny Plaintiff of a fair court hearing and to deny Plaintiff her rights to due process and equal protection of the laws.

**COUNT ONE**  
**(All Defendants)**  
**42 U.S.C. §1983**  
**DEPRIVATION OF RIGHTS and**  
**CONSPIRACY TO DEPRIVE RIGHTS UNDER THE FIRST AND FOURTEENTH**  
**AMENDMENTS TO THE UNITED STATES CONSTITUTION, AS AGAINST ALL**  
**DEFENDANTS**

46. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 45 as though fully set forth herein.

47. As set forth above, the DDC is a division of the New York State Supreme Court, Appellate Division, First Judicial Department, and is therefore part of the New York State court system. As part of the New York State court system, the DDC is obligated to administer justice in a fair and honest manner.

48. The DDC is also an arm of the State of New York and a “state actor” within the meaning of § 1983. Defendants Cahill, Goldstein, and Blinder are also “state actors” under § 1983.

49. Plaintiff has a Constitutional right to a fair and honest judicial system, free from corruption and bias, with impartial arbiters of the law. Through the conduct set forth above, including but not limited to their conduct in denying Plaintiff access to fair and honest court proceedings, all defendants, collectively and each one of them individually, have engaged in actions and abuses which violate and deny Plaintiff of her Constitutional rights, including her rights to due process and equal protection of the law, as provided under the Fourteenth Amendment of the United States Constitution.

50. Through the conduct set forth above, including but not limited to their conduct in denying Plaintiff access to fair and honest court proceedings, all defendants, collectively and

each one of them individually, have engaged in actions and abuses which violate and deny Plaintiff of her Constitutional Rights, including her right to petition the government under the First Amendment to the United States Constitution.

51. As a direct and proximate result of said acts, because Crohn's disease is exacerbated by stress, Plaintiff has suffered and continues to suffer severe symptoms of her Crohns' Disease, fear, panic attacks and anxiety attacks, extreme loss of security in the Legal System and Judicial Process, she suffers from shame, embarrassment, insecurities, emotional pain and suffering, loss of enjoyment of life, and loss of trust of lawyers and in the Court system.

52. As a result of the Defendants denying Plaintiff's rights, Plaintiff is now and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish, and humiliation. Plaintiff is entitled to damages in the amount of twenty million dollars (\$20, 000, 000, 00) dollars as well as punitive damages, costs, and possible attorneys' fees for these violations.

**COUNT TWO**  
**(Defendants Allen H. Isaac and Harvey Gladstein & Partners LLC)**  
**BREACH OF CONTRACT**

53. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 52 as though fully set forth herein.

54. Plaintiff entered into a legal and binding contract with defendant law firm Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac, for legal representation of her car accident case. Plaintiff met with defendant Isaac, a partner in that law firm, for the purpose of pursuing her legal matter.

Rather than properly advising her, however, Isaac instead sexually assaulted Plaintiff, demanded

sexual payments in exchange for legal representation, and conducted himself toward Plaintiff in a threatening and coercive manner. As a partner of the firm Gladstein & Isaac, liability for Isaac's conduct is imputed to the firm.

55. By the actions set forth above, defendants Isaac and Harvey Gladstein & Partners LLC breached their contract to provide legal representation to Plaintiff, and are therefore liable to Plaintiff for damages in an amount to be determined at trial.

**COUNT THREE**  
**(Defendants Allen H. Isaac and Harvey Gladstein & Partners LLC)**  
**BREACH OF FIDUCIARY DUTY**

56. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 55 as though fully set forth herein.

57. As a client of defendant law firm Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac, the law firm and its partners owed Plaintiff fiduciary duties of good faith, loyalty, and care.

58. When Isaac sexually assaulted Plaintiff, however, both Isaac and the law firm breached their fiduciary duties to Plaintiff. As a partner of the firm Gladstein & Isaac, liability for Isaac's conduct is imputed to the firm. As a result, defendants Isaac and Harvey Gladstein & Partners LLC, formerly known as Gladstein & Isaac, are liable to Plaintiff for damages in an amount to be determined at trial.

**COUNT FOUR**  
**CIVIL RICO ACT**  
**(ALL DEFENDANTS)**  
**CONSPIRACY TO INTERFERE WITH ONE'S CIVIL RIGHTS**  
**18 U. S. C. § 1503, § 1510, and § 1511**  
**OBSTRUCTION OF JUSTICE**

59. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1

thorough 58 as though fully set forth herein.

60. Plaintiff has a constitutional right to a fair and honest system, free from corruption and bias, through the conduct set forth above, including but not limited to their conduct in denying Plaintiff's due process under federally protected laws. All defendants collectively and each and every one of them individually, have engaged in actions and abuses which violate and deny Plaintiff her rights to due process and equal protection of the law, as provided under the Fourteenth Amendment of the United States Constitution.

61. Plaintiff has been denied fair and equal protections of the law as an alleged victim of sexual abuse. Plaintiff's claims under the *Civil Rico Act* involved ***Obstruction of Justice*** and conspiracy to interfere with one's Civil Rights, therefore depriving Plaintiff's due process under state, local, and federally protected laws involving obstruction of criminal investigations.

62. Through the conduct set forth above, including but not limited to their conduct in denying Plaintiff access to fair and honest legal system and court proceedings, all defendants, collectively and each one of them individually, have engaged in actions and abuses which violate and deny Plaintiff of her constitutional rights, including her right to petition the Government under the First Amendment to the United States Constitution.

63. As a direct and proximate result of said acts, Plaintiff has suffered and continues to suffer from crippling conditions related to her Crohn's Disease. Plaintiff suffers from Crohn's Disease, fear, panic and anxiety attacks, extreme loss of security in the legal system and Judicial process, she suffers from shame, embarrassment, insecurities, emotional pain and suffering, loss of enjoyment, and loss of trust of lawyers and in the court system. Plaintiff was denied a fair and honest legal system because of all of the above listed Defendants conspiracies in

engaging in actions and abuses , and in doing they have denied Plaintiff her rights as an alleged victim of sexual abuse.

64. Defendants all acted in concert to conspire and road block Plaintiff's due process and equal protection of the law. Defendant Arbuiso told Plaintiff "Mr. Isaac did commit these crimes, and he was getting arrested". Defendant Lamboy agreed with Defendant Arbuiso. Defendant Kelly was given evidence regarding these crimes and did nothing. Defendants State of New York, DDC, Goldstein, Blinder, Cahill, City of New York, Kelly, Arbuiso, and Lamboy were all aware of the evidence, transcripts, telephone tapes, and Police Report, yet they all conspired in denying Plaintiff's due process rights. Defendant Arbuiso told Plaintiff several times that favors were getting called in.

65. As a result of the Defendants denying Plaintiff's rights falling under the Civil Rico claims, Plaintiff is now and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish, and humiliation. Plaintiff is entitled to damages in the amount of twenty million dollars (\$20,000,000.00) as well as punitive damages, costs, and possible attorney's fees for these violations.

**COUNT FIVE**  
**(Defendants Allen H. Isaac and Harvey Gladstein & Partners LLC)**  
**ASSAULT**

66. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 65 as though fully set forth herein.

67. When Isaac sexually assaulted Plaintiff, he committed the intentional tort of assault against her. As a partner of the firm Gladstein & Isaac, liability for Isaac's conduct is imputed to the firm. As a result, defendants Isaac and Harvey Gladstein & Partners LLC, formerly known

as Gladstein & Isaac, are liable to Plaintiff for damages in an amount to be determined at trial.

**COUNT SIX**

**(Defendants)**

**City of New York, Raymond Kelly, Robert Arbuiso, Adam I. Lamboy**

***NEW YORK CITY ADMINISTRATIVE CODE***

***PROBABLE CAUSE TO ARREST***

68. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 67 as though fully set herein.

69. Plaintiff has a Constitutional Right as a woman and a victim of alleged sexual abuse, Plaintiff has a right to fair and honest judicial and legal system, free from corruption and bias, with impartial arbiters of the law. Through the conduct set forth above, including but not limited to their conduct in denying Plaintiff to fair and honest protections of the law, all Defendants collectively and each one of them individually, have engaged in actions and abuses which violate and deny Plaintiff of her Constitutional Rights, including rights to due process and equal protection of the law, as provided under the Fourteenth Amendment of the United States Constitution.

70. As a direct and proximate result of said acts, because Crohn's Disease is exacerbated by stress, Plaintiff has suffered and continues to suffer symptoms of her Crohn's Disease, fear, panic attacks and anxiety attacks, extreme loss of security in the legal system and the Judicial process, she suffers from shame, embarrassment, insecurities, emotional pain and suffering, loss of enjoyment, and loss of trust in lawyers, and police officers.

71. As a result of the Defendants denying Plaintiff's rights, Plaintiff is now and will continue to suffer irreparable injury and monetary damages, as well as damages for mental

anguish, and humiliation, Plaintiff is entitled to damages in the amount of twenty million (\$20, 000, 000.00) dollars as well as punitive damages, costs, and possible attorney's fees for these violations.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment and an Order in favor as follows:

- a. First Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- b. Second Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- c. Third Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- d. Fourth Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- e. Fifth Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- f. Sixth Cause of Action: in excess of twenty million (\$20, 000, 000. 00) dollars as well as punitive damages, costs and attorney's fees.
- g. Awarding Plaintiff punitive damages against all individual defendants;
- h. Appointing a federal monitor to oversee the day-to-day operations of the DDC for an indefinite period of time; and
- i. An Order granting such other legal and equitable relief as the Court deems just and proper.

**JURY TRIAL IS DEMANDED**

Plaintiff demands a trial by jury on all claims so triable.

DATED: WEST HEMPSTEAD, N.Y.  
January 31<sup>st</sup>, 2008

Respectfully submitted,

By: \_\_\_\_\_  
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