

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOSEPH J. O'HARA,

PLAINTIFF

v.

KEITH A. RANIERE  
A/K/A "VANGUARD"

And

NANCY SALZMAN  
A/K/A "PREFECT"

And

KRISTIN KEEFFE

And

CLARE W. BRONFMAN

And

SARA R. BRONFMAN

And

EXECUTIVE SUCCESS PROGRAMS, INC.,  
A NEVADA CORPORATION

And

FIRST PRINCIPLES INCORPORATED,  
A DELAWARE CORPORATION

And

NXIVM CORPORATION  
D/B/A EXECUTIVE SUCCESS PROGRAMS,

Civil Action No. \_\_\_\_\_

1:12 -CV- 0252  
GLS/ATB

COMPLAINT

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

FEB 09 2012

LAWRENCE K. BAERMAN, CLERK  
ALBANY

**A DELAWARE CORPORATION** )  
 )  
**And** )  
 )  
**NXIVM CORPORATION,** )  
**A NEW YORK CORPORATION** )  
 )  
**And** )  
 )  
**NXIVM LLC,** )  
**A NEW YORK LIMITED LIABILITYCOMPANY** )  
 )  
**And** )  
 )  
**NXIVM PROPERTIES LLC,** )  
**A NEW YORK LIMITED LIABILITYCOMPANY** )  
 )  
**And** )  
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**P. DAVID SOARES** )  
 )  
**And** )  
 )  
**ALBANY (NY) COUNTY** )  
 )  
**And** )  
 )  
**PROSKAUER ROSE LLP** )  
 )  
**And** )  
 )  
**SCOTT A. EGGERS** )  
 )  
**And** )  
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**SCOTT HARSHBARGER** )  
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**And** )  
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**DOUGLAS C. RENNIE** )  
 )  
**And** )  
 )  
**PETER J. W. SHERWIN** )  
 )  
**And** )



**BARTOLOMEI & ASSOCIATES PC** )  
 )  
**And** )  
 )  
**JOHN P. BARTOLOMEI** )  
 )  
**And** )  
 )  
**TO-BE-NAMED CORPORATIONS,** )  
**LIMITED LIABILITY COMPANIES,** )  
**NOT-FOR-PROFIT CORPORATIONS,** )  
**PARTNERSHIPS, UNINCORPORATED** )  
**BUSINESS ENTITIES, FOUNDATIONS,** )  
**TRUSTS AND OTHER ENTITIES** )  
 )  
**And** )  
 )  
**TO-BE-NAMED NXIVM SENIOR COUNSELORS,** )  
**NXIVM COUNSELORS, NXIVM SENIOR** )  
**PROCTORS, NXIVM PROCTORS, NXIVM** )  
**SENIOR COACHES AND NXIVM COACHES** )  
 )  
**And** )  
 )  
**TO-BE-NAMED LAW FIRMS AND INDIVIDUAL** )  
**ATTORNEYS,** )  
 )  
**DEFENDANTS** )

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**Jurisdiction**

1. This Court has jurisdiction under 28 U.S.C. §1331 with respect to the Plaintiff's claim that several of the Defendants have, based upon information and belief, engaged in a conspiratorial agreement and a conspiratorial scheme to injure him by intentionally violating his civil rights; by intentionally violating his constitutional right to privacy; by intentionally retaliating against him as a result of his "whistleblower" reports to various Federal and State agencies with respect to some of the tortious and/or illegal activities in which several of the Defendants have been and/or are engaged; by intentionally seeking to have criminal charges brought against him in various jurisdictions; by intentionally forcing him to expend funds and time defending himself against several baseless lawsuits and other legal actions and claims that collectively amount to an abuse the legal system; and by intentionally forcing him to expend funds and time when he has been subpoenaed as a non-party deponent in several lawsuits and other legal actions that the Defendants have initiated against other third parties.

2. This Court has jurisdiction under 28 U.S.C. §1331 with respect to the Plaintiff's claim that one or more of the Defendants has, based upon information and belief, intentionally violated his civil rights pursuant to 42 U.S.C. §1983 and §1985.
3. This Court has jurisdiction under 28 U.S.C. §1331 with respect to the Plaintiff's claim that one or more of the Defendants has, based upon information and belief, intentionally violated his constitutional right to privacy pursuant to the United States Constitution, Amendment I, Amendment III, Amendment IV, Amendment IX, and Amendment XIV.
4. This Court has jurisdiction under 28 U.S.C. §1331 with respect to the Plaintiff's claim that one or more of the Defendants has, based upon information and belief, intentionally retaliated against him as a result of his "whistleblower" reports to various Federal and State agencies with respect to some of the tortious and/or illegal activities in which several of the Defendants have been and/or are engaged.
5. This Court has jurisdiction under 28 U.S.C. §1338 with respect to the Plaintiff's claim that one or more of the Defendants has, based upon information and belief, intentionally infringed upon his right to copyright protection pursuant to *The Digital Millennium Copyright Act* (17 U.S.C. §1201-1205) with respect to e-mails that the Plaintiff authored – and that one or more of the Defendants illegally obtained copies of his private e-mails from one or more of the Plaintiff's Online Service Providers.
6. This Court has jurisdiction under 28 U.S.C. §1367(a) with respect to all of the Plaintiff's claims that arise under State law – including, but not necessarily limited to, (a) his claim that one or more of the Defendants has, based upon information and belief, intentionally inflicted emotional, financial, mental and/or physical distress on him; and (b) his claim that one or more of the Defendants has, upon information and belief, intentionally defamed him personally and professionally (Each of these claims is for more than \$75,000). With respect to these claims, this Court's jurisdiction is premised on 28 U.S.C. §1332 as regards those Defendants that reside outside of the State of New York – and on the rule of pendant jurisdiction as regards those Defendants that reside within the State of New York.
7. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2) and 1391(c) because the vast majority of the events concerning the Plaintiff's claims in this action have occurred within this judicial district – and because all of the individual Defendants and all of Defendant corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities have undertaken activities within this judicial district that are related to the Plaintiff's claims in this action.
8. The selected venue is the most convenient forum for the Plaintiff – and for the vast majority of the Defendants. In this regard, no other forum would be as convenient as the selected one.

### Parties

9. The Plaintiff, Joseph J. O'Hara ("O'Hara"), is a citizen of the United States and a resident of the State of New York who resided within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to his claims in this action.
10. Defendant Keith A. Raniere a/k/a "Vanguard" ("Raniere/Vanguard") is, based upon information and belief, a citizen of the United States who resided within and conducted business within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action – and who, upon information and belief, is the founder and *de facto* Chief Executive Officer of NXIVM Corporation d/b/a Executive Success Program ("NXIVM/ESP"). Prior to establishing NXIVM/ESP, Raniere/Vanguard had, based upon information and belief, established – and operated – Consumers Buyline, Inc. ("CBI"), a Multi-Level Marketing company that was investigated by twenty-three (23) State Attorneys General and two (2) Federal agencies and that was eventually closed down because it was deemed to be operating as a Ponzi scheme. Also based upon information and belief, Raniere/Vanguard and two (2) of his cohorts at CBI – i.e., Pamela A. Cafritz ("Cafritz") and Karen Unterreiner ("Unterreiner") – signed several "Consent Orders" in 1997 that required them to pay more than \$300,000 in fees and fines, including one that forbade them from ever engaging in any other Multi-Level Marketing operations in New York State<sup>1</sup>.

Based upon information and belief, Raniere is the *de facto* Chief Executive Officer of NXIVM/ESP – and numerous other corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities that, based upon information and belief, were established at his direction and/or for his benefit. Regardless of which individuals serve as the officers and/or directors of those various other entities, they are all, based upon information and belief, totally controlled by Raniere/Vanguard.

11. Defendant Nancy Salzman a/k/a "Prefect" ("Salzman/Prefect") is, based upon information and belief, a citizen of the United States who resided within – and, through her association with NXIVM/ESP, conducted business within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Salzman/Prefect is the putative President of NXIVM/ESP and several of the other corporations and limited liability companies that have been named as Defendants in this action.
12. Defendant Kristin Keeffe ("Keeffe") is, based upon information and belief, a citizen of the United States who resided within – and, through her association with NXIVM/ESP,

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<sup>1</sup> See Exhibit 1 for a copy of the "Consent Order And Judgment" dated September 3, 1996 that was executed by Raniere/Vanguard, Cafritz and Unterreiner with respect to the State of New York.

conducted business within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Keeffe serves as the so-called “Legal Liaison” of several of the corporations and limited liability companies that have been named as Defendants in this action – and, in that capacity, helps to coordinate and direct the activities of those entities' various attorneys. In addition, Keeffe is, according to her own sworn statement, also an officer of NXIVM/ESP.

Based upon information and belief, Keeffe also served as a Legal Intern within the Office of the Albany County District Attorney sometime during the period from October 1, 2006 through February 28, 2007. In conjunction with that position, Keeffe was, based upon information and belief, allowed to access and to make copies of certain confidential information concerning the Plaintiff that had been obtained via the issuance of subpoenas by the Albany County District Attorney's office and/or by an Albany County Grand Jury – and, upon information and belief, subsequently shared copies of that information with members of the Proskauer Rose law firm, which, at that time, was representing NXIVM/ESP and various other parties in conjunction with a lawsuit that they had filed against the Plaintiff in August 2005 (Some of this confidential information was subsequently submitted in filings by the Proskauer Rose law firm in that lawsuit). Also based upon information and belief, Defendant Keeffe drafted – and/or assisted in the drafting of – one or more documents that led to the indictment of the Plaintiff by an Albany County Grand Jury in March 2007<sup>2</sup>.

13. Defendant Clare W. Bronfman (“Clare Bronfman”) is, based upon information and belief, a citizen of the United States who resided within – and, through her association with NXIVM/ESP, conducted business within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Clare Bronfman serves as a member of NXIVM/ESP's Executive Committee – and, along with her sister, Sara R. Bronfman (“Sara Bronfman”), has provided the funding that has allowed NXIVM/ESP and other named and unnamed Defendants to engage in the tortious and/or illegal activities that are described herein (Defendant Clare Bronfman and Defendant Sara Bronfman are collectively referred to herein, on occasion, as “the Bronfman sisters”).
14. Defendant Sara A. Bronfman (“Sara Bronfman”) is, based upon information and belief, a citizen of the United States who resided within – and, through her association with NXIVM/ESP, conducted business within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief,

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<sup>2</sup> This indictment was subsequently dismissed on June 19, 2007 by Albany County Court Judge Thomas Breslin who noted in his “Decision And Order” that the instructions that were given to the Grand Jury by the District Attorney's Office were “...so brief as to fail to provide appropriate legal instruction” – and “...inadequate to comply with the requirements of article 19 of the Criminal Procedure Law”.

Sara Bronfman serves as a member of NXIVM/ESP's Executive Committee – and, along with her sister, Clare Bronfman, has provided the funding that has allowed NXIVM/ESP and other named and unnamed Defendants to engage in the tortious and/or illegal activities that are described herein.

15. Defendant Executive Success Programs, Inc. (“ESP Inc.”) is, based upon information and belief, a Nevada corporation that was incorporated on October 12, 2006; that conducted business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 455 New Karner Road in Albany, NY 12205 (ESP Inc.'s FEIN is believed to be 65-1163732). According to records that are maintained by the New York State Secretary of State, it appears that this entity first registered to do business in New York State on May 6, 2002 – which, it should be noted, is more than four (4) years before it came into existence<sup>3</sup>.
16. Defendant First Principles Incorporated (“First Principles”) is, based upon information and belief, a Delaware corporation that was incorporated on February 9, 1999; that first registered to do business in New York State on May 17, 2011; that conducted business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 455 New Karner Road in Albany, NY 12205 (First Principles' FEIN is believed to be 14-1816403). Also based upon information and belief, First Principles is also the company that is often described as the “patent holder” for the “Rational Inquiry Technology” that was supposedly created by Ranieri/Vanguard and that is supposedly utilized by NXIVM/ESP even though the applicable patent application concerning that so-called “technology” was, in fact, rejected several years ago by the U.S. Patent and Trademark Office.
17. Defendant NXIVM Corporation d/b/a Executive Success Programs (“NXIVM/ESP”) is, based upon information and belief, a Delaware corporation that was incorporated on July 20, 1998 under the name Executive Success Programs, Inc.; that formally changed its name to NXIVM Corporation on or about January 23, 2002; that has conducted business under the assumed name of Executive Success Programs; that first registered to do business in New York State on February 19, 2004; that conducted business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 455 New Karner Road in Albany, NY 12205 (NXIVM/ESP's FEIN is believed to be 14-1810926).
18. Defendant NXIVM Corporation (“NXIVM”) is, based upon information and belief, a New York State corporation that was incorporated on February 13, 2004; that conducted

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<sup>3</sup> See:

[http://appext9.dos.ny.gov/corp\\_public/CORPSEARCH.ENTITY\\_INFORMATION?p\\_nameid=2788218&p\\_corpid=2763520&p\\_entity\\_name=Executive%20Success%20Programs%2C%20Inc%2E%20&p\\_name\\_type=%25&p\\_search\\_type=BEGINS&p\\_srch\\_results\\_page=0](http://appext9.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_INFORMATION?p_nameid=2788218&p_corpid=2763520&p_entity_name=Executive%20Success%20Programs%2C%20Inc%2E%20&p_name_type=%25&p_search_type=BEGINS&p_srch_results_page=0)



business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 345 Buffalo Avenue in Niagara Falls, NY 14303<sup>4</sup>.

19. Defendant NXIVM LLC ("NXIVM LLC") is, based upon information and belief, a New York State limited liability company that was formed on November 25, 2002; that conducted business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 455 New Karner Road in Albany, NY 12205 (NXIVM LLC's FEIN is believed to be 16-1647152).
20. Defendant NXIVM Properties LLC ("NXIVM Properties") is, based upon information and belief, a New York State limited liability company that was formed on January 23, 2003; that conducted business within the geographic boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action; and that currently has its principal place of business located at 455 New Karner Road in Albany, NY 12205 (NXIVM Properties' FEIN is believed to be 57-1148503).
21. Defendant ESP, Inc., Defendant First Principles, Defendant NXIVM/ESP, Defendant NXIVM, Defendant NXIVM/LLC, and Defendant NXIVM Properties are collectively referred to herein, on occasion, as "the NXIVM/ESP-Related Business Entities". In this regard, it should be noted that the term "the NXIVM-Related Business Entities" may also include other corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities that were established at the direction of and/or for the benefit of Ranieri/Vanguard – and that, regardless of how they are structured and regardless of who serves as their officers and directors, are controlled by him.
22. Defendant P. David Soares ("Soares") is currently the District Attorney for Albany County (NY) – and has been serving in that position since January 2005. Based upon information and belief, Soares approved the placement of Keeffe as a Legal Intern within his office sometime during the period between October 1, 2006 and February 28, 2007 even though he was aware that she lacked the educational background and/or experience for that position. Also based upon information and belief, Soares approved the specific work assignments that Keeffe undertook while she was serving as a Legal Intern in his office.
23. Defendant Albany County is, based upon information and belief, an administrative

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<sup>4</sup> In addition to the two above-referenced entities named "NXIVM Corporation" that were incorporated, respectively, in Delaware and New York State, there is at least one other entity with that same name. In this regard, an entity named NXIVM Corporation was incorporated in Puerto Rico on October 25, 2005 at the direction of Ranieri/Vanguard and Salzman/Prefect.

division of the State of New York – and a municipal corporation that has the power and fiscal capacity to provide various local governmental services within the State of New York. Based upon information and belief, Albany County was the employer of P. David Soares during the time period that is relevant to the Plaintiff's claims in this action.

24. Defendant Proskauer Rose LLP (“Proskauer Rose”) is, based upon information and belief, a law firm that is located at 11 Times Square in New York City, NY 10036 – and that conducted business within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, the Proskauer Rose law firm represented one or more of the following entities during that same time period: Raniere/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
25. Defendant Scott A. Eggers (“Eggers”) is, based upon information and belief, an attorney and a Senior Counsel in the Proskauer Rose law firm who is admitted to practice law in New York State – and who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Eggers represented one or more of the following entities during that same time period: Raniere/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
26. Defendant Scott Harshbarger (“Harshbarger”) is, based upon information and belief, an attorney and a Senior Counsel in the Proskauer Rose law firm who is admitted to practice law in New York State – and who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Harshbarger represented one or more of the following entities during that same time period: Raniere/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein. In addition, Harshbarger, based upon information and belief, met on one or more occasions with James A. Murphy, III (“Murphy”), the District Attorney of Saratoga County (NY) during the time period that is relevant to the Plaintiff's claims in this action, in order to encourage Murphy to bring criminal charges against the Plaintiff<sup>5</sup>.

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<sup>5</sup> Although Murphy was apparently unwilling to bring criminal charges against the Plaintiff, he did, based upon information and belief, write a letter to P. David Soares, the District Attorney of Albany County (NY), and Terry J. Wilhelm, the District Attorney of Greene County (NY), which indicated that the Plaintiff may have committed criminal acts within their respective jurisdictions – and which encouraged them to undertake their own investigations of the Plaintiff. In this regard, it is uncertain what, if any, action(s) District Attorney Soares and/or District Attorney Wilhelm undertook in response to Murphy's letter.

27. Defendant Douglas C. Rennie (“Rennie”) is, based upon information and belief, an attorney and a current or former Member in the Proskauer Rose law firm who is admitted to practice law in New York State – and who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Rennie represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
28. Defendant Peter J.W. Sherwin (“Sherwin”) is, based upon information and belief, an attorney and a Partner in the Proskauer Rose law firm who is admitted to practice law in New York State – and who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Sherwin represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
29. Defendant O’Connell & Aronowitz/Attorneys at Law (“O’Connell & Aronowitz”) is, based upon information and belief, a law firm that is located at 54 State Street in Albany, NY 12207 – and that conducted business within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, the O’Connell & Aronowitz law firm represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
30. Defendant Stephen R. Coffey (“Coffey”) is, based upon information and belief, an attorney and a Member in the O’Connell & Aronowitz law firm who resided within – and who practiced law within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Coffey represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein. In addition, Coffey has, based upon information and belief, actively participated in a scheme to have the Plaintiff indicted in Erie County

(NY) during the time period that is relevant to the Plaintiff's claims in this action<sup>6</sup>.

31. Defendant Joshua E. McMahon ("McMahon") is, based upon information and belief, an attorney and an Associate in the O'Connell & Aronowitz law firm who resided within – and who has practiced law within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, McMahon represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
32. Defendant Pamela A. Nichols ("Nichols") is, based upon information and belief, an attorney and a Member in the O'Connell & Aronowitz law firm who resided within – and who practiced law within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Nichols represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
33. Defendant Andrew R. Safranko ("Safranko") is, based upon information and belief, an attorney and a Member in the O'Connell & Aronowitz law firm who resided within – and who practiced law within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Safranko represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein. In addition, Safranko has, based upon information and belief, actively participated in a scheme to have the Plaintiff indicted in Erie County (NY).
34. Defendant Richard H. Weiskopf ("Weiskopf") is, based upon information and belief, an attorney and a Member in the O'Connell & Aronowitz law firm who resided within – and who practiced law within – the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Weiskopf represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of

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<sup>6</sup> See Exhibit 2 for a copy of a July 25, 2008 Memorandum from Stephen R. Coffey and Andrew R. Safranko to the Bronfman sisters wherein this scheme is detailed.

the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.

35. Damon Morey LLP (“Damon Morey”) is, based upon information and belief, a law firm that is located at 200 Delaware Avenue, Suite 200, in Buffalo, NY 14202– and that conducted business within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, the Damon Morey law firm represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
36. Defendant Beth A. Bivona (“Bivona”) is, based upon information and belief, an attorney and a Partner in the Damon Morey law firm who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Bivona represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein..
37. Defendant William F. Savino (“Savino”) is, based upon information and belief, an attorney and a Partner in the Damon Morey law firm who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Savino represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein..
38. Defendant Bernard Schenkler (“Schenkler”) is, based upon information and belief, an attorney and a Special Counsel in the Damon Morey law firm who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff’s claims in this action. Also based upon information and belief, Schenkler represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
39. Defendant Gregory Zini (“Zini”) is, based upon information and belief, an attorney and a

Partner in the Damon Morey law firm who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Zini represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.

40. Defendant Bartolomei & Associates PC (“Bartolomei & Associates”) is, based upon information and belief, a law firm that has an office located at 335 Buffalo Avenue in Niagara Falls, NY 14303 – and that conducted business within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Bartolomei & Associates represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein.
41. Defendant John P. Bartolomei (“Bartolomei”) is, based upon information and belief, an attorney and a Principal in the Bartolomei & Associates law firm who practiced law within the geographical boundaries of the United States District Court for the Northern District of New York during the time period that is relevant to the Plaintiff's claims in this action. Also based upon information and belief, Bartolomei represented one or more of the following entities during that same time period: Ranieri/Vanguard, Salzman/Prefect, Keeffe, the Bronfman sisters, and/or one or more of the NXIVM/ESP-Related Business Entities – and assisted one or more of those Defendants and/or one or more other entity in carrying out some/all of the tortious and/or illegal activities are described herein. In addition, Bartolomei has, based upon information and belief, also used his judicial, legal, and/or political contacts in the Niagara Falls, NY area to discredit – and/or to cause harm to – the Plaintiff and/or other third parties<sup>7</sup>.
42. Plaintiff is currently unaware of the names and addresses of – and/or the officers and/or directors of – all of the other corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities that may have participated in some/all of the tortious and/or illegal activities that are described herein<sup>8</sup>. In this regard, the Plaintiff reserves the right to

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<sup>7</sup> Upon information and belief, Defendant Bartolomei was retained by the Bronfman sisters in order to encourage various governmental entities to bring criminal charges against, *inter alia*, the Plaintiff, Frank Parlato, Jr., Yuri Plyam, and Rick Ross. In conjunction with his work for the Bronfman sisters, Bartolomei, upon information and belief, oversaw the activities of, *inter alia*, Steve Pigeon and Byron Georgiou – and worked with Defendant Savino on a variety of NXIVM/ESP-related matters.

<sup>8</sup> See Exhibit 3 for a list of some of the other corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities that may be related to NXIVM/ESP.

amend this Verified Complaint to include those other corporations, limited liability companies, not-for-profit corporations, partnerships, unincorporated business entities, foundations, trusts, and other business entities as that information becomes available during the discovery process in this lawsuit.

43. Plaintiff is currently unaware of the names, addresses and/or involvement of all of the other individuals who may have participated in some/all of the tortious and/or illegal activities that are described herein – and/or who may have benefitted financially from the operations of one or more of the NXIVM-Related Business Entities<sup>9</sup>. In this regard, the Plaintiff reserves the right to amend this Verified Complaint to include those other individuals as that information becomes available during the discovery process in this lawsuit.
44. Plaintiff is currently unaware of the names, addresses and/or involvement of all of the other law firms and attorneys that may have assisted one or more of the Defendants – and/or one or more other entity – in carrying out some/all of the tortious and/or illegal activities are described herein. In this regard, the Plaintiff reserves the right to amend this Verified Complaint to include those other law firms and attorneys as that information becomes available during the discovery process in this lawsuit.

### **Facts & General Allegations**

#### **RE: The NXIVM/ESP-Related Business Entities**

45. Notwithstanding the fact that the NXIVM/ESP-Related Business Entities have been structured as independent corporations and limited liability companies, they are all, based upon information and belief, controlled, *in toto*, by Raniere/Vanguard even though he has no acknowledged ownership interest in – and no formal position of authority in – any of those entities. As a result, the “corporate veil” – or, in the case of non-corporations, the legal equivalent of the “corporate veil” – should be pierced for each of these entities.
46. All of the NXIVM/ESP-Related Business Entities – and some of the other Defendants – are, based upon information and belief, financially dependent upon the Bronfman sisters for their existence<sup>10</sup>. As a result, the Bronfman sisters should be held personally accountable and financially liable for all of the tortious and/or illegal activities which were undertaken by the NXIVM/ESP Business Entities and/or by any of the other

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<sup>9</sup> See Exhibit 4 for a list of some of the other individuals who may have participated in tortious and/or illegal activities described herein – and/or who may have benefitted financially from the operations of NXIVM/ESP and/or other NXIVM-Related Business Entities.

<sup>10</sup> Based upon information and belief, the Bronfman sisters have jointly contributed more than One Hundred Fifty Million Dollars (\$150,000,000) of their personal funds in order to support Raniere/Vanguard, Salzman/Prefect, Keeffe, other NXIVM/ESP-related individuals, and the NXIVM/ESP-Related Business Entities. Although much of this funding has been labeled as “loans” for accounting and tax purposes, there is, in fact, no reasonable expectation that any of these funds will ever be repaid – and, as a result, all of it should be treated as taxable income with respect to the entities that received same.

financially dependent Defendants – and of which they were aware – during the time period that is relevant to the Plaintiff's claims in this action.

47. Based upon information and belief, the NXIVM/ESP-Related Business entities are part of a complex and conspiratorial scheme and agreement that involves a variety of tortious and/or illegal activities<sup>11</sup>. Also based upon information and belief, these activities include, but are not necessarily limited to, the following: the tortious activities concerning the Plaintiff – and other third parties – that are described herein; bank fraud; bribery; business fraud and theft; charities fraud; conspiracy; corruption and/or attempted corruption of public officials; endangering the welfare of a child; filing false instruments; insurance fraud; violations of Federal and State campaign finance statutes and regulations; immigration fraud; labor fraud; mail fraud; money laundering; obstruction of justice; perjury; structuring; tax evasion; tax fraud; theft of services; and wire fraud.
48. Based upon information and belief, the NXIVM/ESP-Related Business Entities also do not issue W-2 Forms and/or 1099 Forms with respect to the various commissions and salaries that they pay to their respective staff – and/or with respect to the various non-business related expenditures that they make on behalf of Ranieri/Vanguard, Salzman/Prefect, Keffe, and other members of NXIVM/ESP. When the Plaintiff informed Ranieri/Vanguard and Salzman/Prefect about the need for NXIVM/ESP to issue such forms, he was told that NXIVM/ESP would correct this error on a going forward basis – and that it would, thereafter, also correct this error for prior time periods.
49. NXIVM/ESP is, based upon information and belief, structured as a Multi-Level Marketing company and operated as a Ponzi scheme. In this regard, Ranieri/Vanguard is specifically barred from being involved in this type of business structure in New York State – which is why his name appears on few, if any, documents concerning NXIVM/ESP and/or any of the other entities that are part of the NXIVM/ESP-Related Business Entities.
50. Based upon information and belief, NXIVM/ESP and some of the other Defendants have undertaken numerous lawsuits and other legal actions that were intended to silence the Plaintiff and other individuals who have been critical of – and/or who have important documents and/or information concerning – the company's operations and/or Ranieri/Vanguard's debauched lifestyle<sup>12</sup>. In addition to the Plaintiff, those individuals who have been sued by NXIVM/ESP – and/or by one or more of the other Defendants – in order to silence them – include, but are not necessarily limited to, the following:

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<sup>11</sup> Although it is believed that the NXIVM/ESP-Related Business Entities and some of the other named Defendants are engaged in a “criminal enterprise” as that term is defined in New York Penal Law 460.10 (3) – and constitute an “ongoing criminal organization” as that term is defined in the Racketeer Influence and Corrupt Organization (RICO) Act – the Plaintiff has chosen not to assert a civil cause-of-action under those statutes at this point in time. In this regard, however, the Plaintiff reserves the right to add such causes-of-action if information that becomes available during the course of discovery in this lawsuit warrants such additions – and/or to cooperate with the Office of the New York State Attorney General should it choose to initiate a cause-of-action against one or more of the NXIVM-Related Business Entities and/or some of the other Defendants pursuant to 18 U.S.C. §1964 (b).

<sup>12</sup> See Exhibit 5 for a partial list of these lawsuits and other legal actions.



Barbara J. Bouchey; Susan F. Dones; Stephanie Franco; Anna Logvin; Paul Martin; Toni F. Natalie; Frank Parlato, Jr.; Mikhail Plyam; Natalia Plyam; Yuri Plyam; Rick Ross; Morris Sutton; Rochelle Sutton; and Kim M. Woolhouse.

51. Based upon information and belief, NXIVM/ESP and some of the other Defendants have sought to have criminal charges brought against the Plaintiff and other individuals in an attempt to discredit them – and to cause them personal harm. In addition to the Plaintiff, those individuals who have been subjected to this type of legal harassment include, but are not necessarily limited to, the following: Barbara J. Bouchey; Toni F. Natalie; Frank Parlato, Jr.; Yuri Plyam; and Rick Ross.
52. Based upon information and belief, NXIVM/ESP and some of the other Defendants have employed, directly and indirectly, a variety of political consultants and lobbyists in conjunction with their efforts to cause harm to the Plaintiff and other third parties. Also based upon information and belief, these political consultants and lobbyists have included, but are not necessarily limited to, the following: John P. Bartolomei/Bartolomei & Associates PC; Steven M. Boggess/Featherstonehaugh, Wiley & Clyne LLP; Alphonse D’Amato, Chris D’Amato and Joel Giambra/Park Strategies; Byron Georgiou/Georgiou Enterprises; Richard Mays/Maybeck, Inc.; Robert McLarty and Paul Neville/The Markham Group; Steve Pigeon/Underberg & Kessler LLP; and Roger J. Stone/STONEzone.com.

**RE: Plaintiff’s Association With NXIVM/ESP**

53. On September 17, 2003, the Plaintiff was contacted by Dee Dee Mitzen (“Mitzen”), a social acquaintance who asked him to meet with her and Salzman in order to discuss several issues concerning NXIVM/ESP. Later that same day, the Plaintiff met with Mitzen and Salzman – and learned that some of the issues that were of particular concern to the company included its pending lawsuit against Rick Ross and other parties; its generally unfavorable reputation with members of the local business communities; the potential negative impact of several articles concerning the company that had already been published by the media – and the potential negative impact of several other articles that were being prepared for publication; and a variety of matters concerning the company’s day-to-day operations (e.g., staff-related issues; tax-related issues; zoning-related issues concerning the company’s proposed new headquarters in Malta, NY; etc.).
54. At the time that the Plaintiff first met with Mitzen and Salzman, he was unaware that NXIVM/ESP was considered by some professionals to be a cult; that it is, based upon information and belief, structured as a Multi-Level Marketing company that functions as a Ponzi scheme; and that it and its leaders are engaged in a variety of tortious and/or illegal activities. In this regard, the Plaintiff did not become aware of many of these aspects about NXIVM/ESP and its leaders until near the end of the fifteen (15) month period of time during which he provided technical assistance and consultative services to NXIVM/ESP.
55. Following the meeting on September 17, 2003 – and following several subsequent telephonic discussions with Raniere/Vanguard – the Plaintiff drafted a summary of the

technical assistance and consultative services that he would be able to provide to NXIVM/ESP. Thereafter, following additional telephonic discussions with Ranieri/Vanguard – and a meeting with Ranieri/Vanguard and Salzman/Prefect to review and revise the Plaintiff's aforementioned summary – the Plaintiff drafted a “Professional Services Agreement” that detailed the technical assistance and consultative services that he would provide on behalf of NXIVM/ESP and the compensation that he would receive for same. Thereafter, the Plaintiff forwarded that document to Ranieri/Vanguard and Salzman/Prefect<sup>13</sup>.

56. As set forth in the above-referenced “Professional Services Agreement”, the Plaintiff agreed to do the following on behalf of NXIVM/ESP:

- (a) Provide – and/or help NXIVM/ESP to obtain – technical assistance and consultative services that would allow the company to resolve various issues concerning its business operations in New York State;
- (b) Provide – and/or help NXIVM/ESP to obtain – technical assistance and consultative services that would allow the company to resolve various issues concerning its business operations in other States;
- (c) Provide – and/or help NXIVM/ESP to obtain – technical assistance and consultative services that would allow the company to undertake a multi-faceted Public Relations Campaign in New York State and other States;
- (d) Help to coordinate the work of the various attorneys who were providing legal services to the company – and/or help to identify other appropriate attorneys who could provide other legal services if/as the need arose for same<sup>14</sup>; and
- (e) Provide other technical assistance and/or consultative services to NXIVM/ESP on an “as needed/as requested” basis.

57. The Plaintiff began providing technical assistance and consultative services to NXIVM/ESP on or about October 1, 2003. In conjunction with this work, the Plaintiff identified a variety of companies and individuals that could provide various services to NXIVM/ESP – and directly undertook a variety of assignments that he was given by Ranieri/Vanguard and Salzman/Prefect.

58. In the Spring of 2004, the Plaintiff was seeking to find Two Million Dollars (\$2,000,000) of financing for two (2) potential business projects that he wished to undertake: i.e., the acquisition of a Florida-based company that provided Medicaid claiming services to school districts in that State – and the development of a combination vineyard/winery and

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<sup>13</sup> Although the Plaintiff executed two (2) *originals* of this “Professional Services Agreement” and sent both of them to Salzman/Prefect for her signature, NXIVM/ESP has claimed that she never executed the documents. In this regard, however, it should be noted that both parties proceeded to operate in accordance with the terms and conditions that were set forth in this “Professional Services Agreement”.

<sup>14</sup> Although NXIVM/ESP would later claim that the Plaintiff provided legal services to the company from October 1, 2003 onward, it should be noted that this original “Professional Services Agreement” specifically stated that “...*it is mutually understood and agreed that the Consultant will not provide any direct legal services to the (company)*”. In addition, it should also be noted that the Plaintiff did not maintain an active law practice during the period of time after he moved from Washington, DC in February 1983 until he re-established such a practice there in mid-2004.

condominium project. When the Plaintiff mentioned these potential projects during the course of one of his meetings with Ranieri/Vanguard, Ranieri/Vanguard immediately offered to arrange for all of the required financing to be provided by the Bronfman sisters, provided that the Plaintiff would (a) re-establish his former law practice in Washington, DC<sup>15</sup>; and (b) alter the terms of his “Professional Services Agreement” with NXIVM/ESP so as to eliminate any fees for his future services.

59. Based upon Ranieri/Vanguard’s representations, the Plaintiff proceeded to execute contractual agreements with the owner of the above-referenced Florida-based company – and with the owners of approximately 235 acres of land in New Baltimore, NY. Thereafter, utilizing the \$2,000,000 of funds that he borrowed from the Bronfman sisters, the Plaintiff proceeded to acquire the Florida-based company and the 235 acres of land – and to pay for some of the start-up costs concerning the above-referenced projects.
60. Per Ranieri/Vanguard’s instructions, the Plaintiff drafted a new “Professional Services Agreement” that was intended to replace the one that he had entered into with NXIVM/ESP as of October 1, 2003 (The effective date of the new “Professional Services Agreement” was of July 1, 2004). In conjunction with this new contractual agreement, the Plaintiff ceased to collect any fees for the technical assistance and consultative services that he provided to NXIVM/ESP as of July 1, 2004 (All the Plaintiff collected from NXIVM/ESP after July 1, 2004 were reimbursements for out-of-pocket expenses that he had incurred on behalf of the company).
61. Over the course of the fifteen (15) months that the Plaintiff provided technical assistance and consultative services to NXIVM/ESP, he became aware that the company, Ranieri/Vanguard, Salzman/Prefect and other members of NXIVM/ESP were engaged in a variety of inappropriate and potentially illegal activities. This awareness occurred gradually over the course of the fifteen months – and each time that the Plaintiff raised questions about such an activity to Ranieri/Vanguard and/or Salzman/Prefect, he was told that they were unaware of the activity in question and assured that the activity in question would cease<sup>16</sup>.
62. On or about November 24, 2004, the Plaintiff inadvertently received a “Status Report” from Interfor, Inc. (“Interfor”) concerning an individual named Rick Ross (“Ross”)<sup>17</sup>.

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<sup>15</sup> In conjunction with the new “Professional Services Agreement”, the Plaintiff informed Ranieri/Vanguard and Salzman/Prefect that the only communications between them that would be protected by the attorney/client privilege were ones that took place in Washington, DC, where he was licensed to practice law and where he maintained a law office. In this regard, the Plaintiff did meet, on at least one occasion, with Salzman/Prefect at his law office in Washington, DC.

<sup>16</sup> One example of these tortious and/or illegal activities concerns a commodities trading account that had been set up with REFCO in Nancy Salzman’s name – and that had sustained more than \$5,000,000 of losses by March 2004 as a result of trades that had been made by Ranieri/Vanguard. Because Salzman/Prefect did not have enough “capital gains” to utilize the \$5,000,000 of capital losses in the REFCO account, Ranieri/Vanguard decided that the name on the REFCO account should be changed, on a retroactive basis, to the name of First Principles, Inc.

<sup>17</sup> NXIVM/ESP had decided to hire Interfor, a private investigations firm, to undertake a confidential investigation of Ross – and to set up a “sting operation” that was intended to convince Ross that he should cease being a critic of

Upon reading the report, the Plaintiff concluded that it contained information that could not have been legally obtained without an appropriate Court Order or subpoena – and immediately informed Raniere/Vanguard and Salzman/Prefect that they needed to cease and desist from any further participation in the gathering of such information about Ross and/or anyone else. Thereafter, the Plaintiff was assured that the information in question had been obtained without the knowledge of Raniere/Vanguard or Salzman/Prefect – and that appropriate steps would be taken to ensure that no such information was ever obtained in the future.

63. Shortly after receiving a copy of the above-referenced “Status Report”, the Plaintiff also received several FedEx packages from Interfor. Upon looking at the contents of the first of these packages, the Plaintiff concluded that they were most likely items that had been retrieved from Ross’ trash (e.g., coffee-stained receipts; crumpled credit card statements and phone bills; etc.). When he informed Keeffe about these packages, she instructed him not to open any more of them – and she appeared at his office later that day to retrieve all of the FedEx boxes that had already arrived.
64. Notwithstanding the ongoing assurances that he received from Raniere/Vanguard and Salzman/Prefect, the Plaintiff concluded that they – and NXIVM/ESP – were continuing to engage in activities that the Plaintiff thought were inappropriate and/or potentially illegal. As a result, the Plaintiff decided to terminate his relationship with the company in early January 2005.
65. Soon after the Plaintiff informed Raniere/Vanguard and Salzman/Prefect that he was no longer going to provide technical assistance and consultative services to NXIVM/ESP, he began receiving e-mails and telephone calls from Salzman/Prefect wherein she indicated that she and Raniere/Vanguard both wanted him to continue working for NXIVM/ESP. Thereafter, when the Plaintiff met with Salzman/Prefect to discuss his reasons for terminating his relationship with NXIVM/ESP, she attempted to convince the Plaintiff that he should resume working for the company. When the Plaintiff indicated that he had no interest in renewing his relationship with NXIVM/ESP, Salzman/Prefect outlined what might happen to him if he did not change his mind: i.e., he may be sued; he may get indicted; he may get disbarred; etc.
66. When the Plaintiff did not respond to Salzman/Prefect’s threats, he was contacted by Richard L. Mays (“Mays”), a lobbyist/politico that NXIVM/ESP had originally hired to address some of the unresolved issues concerning Raniere/Vanguard’s CBI Multi-Level Marketing/Ponzi scheme operation in Arkansas<sup>18</sup>. Thereafter, Mays informed the

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NXIVM/ESP and Raniere/Vanguard. Because, however, Interfor would not enter into a contractual agreement directly with NXIVM/ESP, it was the Plaintiff’s law firm that hired Interfor (As directed to do so by Raniere/Vanguard, the Plaintiff immediately designated Keeffe as his law firm’s sole point-of-contact with Interfor – and, except for receiving and paying Interfor’s invoices, the Plaintiff had little, if any, contact with Interfor and its staff after they started undertaking assignments for NXIVM/ESP).

<sup>18</sup> The Plaintiff had prior business dealings with Mays – and knew that he claimed to be a “close friend” of former President William Clinton and current Secretary of State Hillary Clinton. In this regard, it was the Plaintiff who originally introduced Mays to Raniere/Vanguard and Salzman/Prefect – and who suggested that NXIVM/ESP

Plaintiff that NXIVM/ESP was preparing to initiate a lawsuit against him – and read some passages from what he claimed was a draft of the applicable Complaint to the Plaintiff.

67. In August 2005, NXIVM/ESP – and several of its members – initiated a lawsuit against the Plaintiff in the U.S. District Court for the Northern District of New York (Case No. 1:05-CV-1546). Thereafter, when NXIVM/ESP’s request for a Temporary Restraining Order (TRO) and several other extraordinary relief measures was denied by that Court, NXIVM/ESP immediately withdrew that lawsuit – and re-filed it in New York State Supreme Court in New York City, NY (Based upon information and belief, the original lawsuit was withdrawn – and the new one was filed – less than thirty (30) minutes after NXIVM/ESP’s request for the TRO and other extraordinary relief was denied).
68. NXIVM/ESP’s lawsuit against the Plaintiff included what has since become “standard litigation tactics” for almost all of the lawsuits that it – and other Defendants – file. These tactics include, but are not necessarily limited to, the following:
  - (a) Multiple causes-of-action;
  - (b) Onerous and duplicative demands for documents and records;
  - (c) Extensive motion practice;
  - (d) Complaints filed with licensing authorities;
  - (e) Attempts to have criminal charges brought against the opposing party;
  - (f) Refusal to produce documents and records;
  - (g) Refusal to produce witnesses;
  - (h) Perjured testimony;
  - (i) One or more requests for substitution of counsel;
  - (j) One or more requests for a change of venue;
  - (k) Witness intimidation; and
  - (l) Co-mingling of cases: e.g., using discovery in one case to obtain evidence and information for use in other cases.
69. Sometime after it initiated the above-referenced lawsuit against the Plaintiff, NXIVM/ESP sought to have the Plaintiff indicted in Albany County (NY). In conjunction with this effort, NXIVM/ESP made arrangements for Keeffe to be placed in the Office of the Albany County District Attorney as an unpaid Legal Intern.
70. Despite the fact that she was, based upon information and belief, not qualified to serve as a Legal Intern in the Office of the Albany County District Attorney, Keeffe worked there with little, if any, supervision – and was given privileges that normally would be limited to senior staff: e.g., she was assigned her own desk and workspace; she was given her own Xerox Key; etc. In addition, Keeffe was, upon information and belief, allowed to undertake a variety of legal-related activities – including, but not limited to, the drafting of subpoenas for documents and records concerning the Plaintiff and the preparation of exhibits for the then-sitting Albany County Grand Jury.

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consider hiring him in order to help resolve several outstanding matters concerning Raniere’s former business operations in the State of Arkansas.

71. Based upon information and belief, Keeffe copied some/all of the documents and records concerning the Plaintiff that were obtained via subpoenas that were issued by the Office of the Albany County District Attorney or the then-sitting Albany County Grand Jury. Thereafter, Keeffe, based upon information and belief, provided copies of some/all of those documents and records to one or more members of the Proskauer Rose law firm, which, at that time, was representing NXIVM/ESP in conjunction with its lawsuit against the Plaintiff. Also based upon information and belief, the specific Proskauer Rose attorneys who were involved in this matter include one or more of the following: Defendant Eggers, Defendant Harshbarger, Defendant Rennie, and/or Defendant Sherwin.
72. Upon receiving copies of the documents and records that Keeffe had copied while she was working in the Office of the Albany County District Attorney, the Proskauer law firm, based upon information and belief, immediately introduced some/all of them as exhibits in NXIVM's above-referenced lawsuit against the Plaintiff. This specifically included, but may not have been limited to, documents and records concerning one or more of the Plaintiff's then-existing bank accounts.

**RE: Harassment and Intimidation of the Plaintiff**

73. Based upon information and belief, NXIVM/ESP and/or other Defendants hired Frank Parlato, Jr. ("Parlato") to develop a "negative publicity campaign" in order to malign the Plaintiff's reputation in the Albany, NY area (This "negative publicity campaign" included billboard advertisements – and a "story" concerning the Plaintiff that was to be distributed to all of the homes in the Albany, NY area). In addition, NXIVM/ESP and/or other Defendants also convinced James A. Murphy III ("Murphy"), the Saratoga County District Attorney, to send a letter to P. David Soares, the Albany County (NY) District Attorney, and Terry Wilhelm, the Greene County (NY) District Attorney, wherein Murphy encouraged them to undertake criminal investigations concerning the Plaintiff.
74. Based upon information and belief, NXIVM/ESP and/or other Defendants also undertook a variety of activities that were intended to harass and/or intimidate the Plaintiff. These activities included, but were not necessarily limited to, the following:
- (a) Filing fictitious change-of-address cards for him with the U.S. Post Office;
  - (b) Cutting the telephone line – and the cable television line – at the Plaintiff's former residences;
  - (c) Paint spraying the phrase "*You will die in 7 days*" at a construction site on the Plaintiff's property in New Baltimore, NY;
  - (d) Filing a false complaint against the Plaintiff with the District of Columbia Bar;
  - (e) Attempting to have the Plaintiff indicted in several jurisdictions; and
  - (f) Filing Adversary Proceedings in the Plaintiff's bankruptcy case (Note: That bankruptcy case has been pending for more than forty-three (43) months – and has cost the Plaintiff more than \$50,000 of legal fees and expenses).

**RE: Plaintiff's Whistleblower-Related Activities**

75. Over the course of the past seven (7) years, the Plaintiff has filed reports with various

Federal and State agencies concerning some of the inappropriate and/or potentially illegal activities of NXIVM/ESP, Raniere/Vanguard, Salzman/Prefect, Keffe, and other NXIVM/ESP-related individuals and NXIVM/ESP-related entities. During this same period of time, the Plaintiff has also met with representatives from several Federal and State law enforcement agencies – and turned over numerous documents to them with respect to NXIVM/ESP, Raniere/Vanguard, Salzman/Prefect, Keffe, and other NXIVM/ESP-related individuals and NXIVM/ESP-related entities. Based upon information and belief, the Plaintiff has concluded that NXIVM/ESP, Raniere/Vanguard, Salzman/Prefect, Keffe, and/or one or more of the other Defendants are aware of the Plaintiff's contacts with various Federal and State agencies and agents – and that they have undertaken a campaign to discredit the Plaintiff's credibility with those agencies and agents.

76. The Plaintiff is entitled to “whistleblower” status with respect to the various reports that he has made to – and the various documents and records that he has turned over to – Federal and State agencies concerning the inappropriate and/or potentially illegal activities of NXIVM/ESP, Raniere/Vanguard, Salzman/Prefect, Keffe, and other NXIVM/ESP-related individuals and NXIVM/ESP-related entities. In this regard, the attempts on the part of NXIVM/ESP and/or one or more of the other Defendants to punish the Plaintiff for his “whistleblower” activities are in direct violation of the applicable Federal and State laws concerning such reports.

**RE: Plaintiff's Private E-Mails**

77. In conjunction with an adversary proceeding action that it had filed in the then-pending bankruptcies of Susan F. Dones and Kim M. Woolhouse, NXIVM/ESP sought to compel the Plaintiff to submit to a deposition. Thereafter, when the Plaintiff obtained a ruling from the presiding judge in the bankruptcy case that he did not have to subject himself to such a deposition, NXIVM/ESP and/or one or more of the other Defendants illegally obtained copies of the Plaintiff's private e-mails that had been stored on the servers of at least one of his Online Service Providers.
78. Based upon information and belief, NXIVM/ESP and/or one or more of the other Defendants obtained copies of the Plaintiff's e-mails from Accelify LLC (“Accelify”) and/or Yael Goldenberg a/k/a Jack Goldenberg, the putative owner of Accelify, for an unknown amount of money. In addition to violating the Plaintiff's common law rights with respect to the copyright protection that the authors of all e-mails are entitled to, this transaction also violated the Plaintiff's rights with respect to *The Digital Millennium Copyright Act* (17 U.S.C. §1201-1205) – and may have constituted the purchase of stolen property.

**FIRST CAUSE OF ACTION**

**For Monetary Damages Related to Defendants' Participation in a Civil Conspiracy to Cause Harm to the Plaintiff**

79. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 78 herein as though they were set forth here – and, by

this reference, makes them a part hereof this cause of action.

80. Based upon information and belief, various Defendants have conspired and engaged in a conspiratorial agreement and scheme to injure the Plaintiff by violating his civil rights; by violating his constitutional right to privacy; by retaliating against him because of the fact that he made “whistleblower reports” to several Federal and State agencies regarding some of the inappropriate and/or potentially illegal activities in which various Defendants have been and/or are engaged; by infringing upon his common law copyright protection and the protections that are afforded to him per *The Digital Millennium Copyright Act* (17 U.S.C. §1201-1205); by inflicting severe emotional, financial, mental, and physical harm on him; and by defaming him.
81. Based upon information and belief, the applicable Defendants’ conspiracy and conspiratorial agreement and scheme have been masterminded by Ranieri/Vanguard, coordinated by Keeffe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of this conspiracy and conspiratorial agreement and scheme have been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys.
82. Based upon information and belief, the applicable Defendants’ conspiracy and conspiratorial agreement and scheme have included, but not necessarily been limited to, the following elements:
  - (a) Illegally copying confidential and legally protected materials concerning the Plaintiff that had been legally obtained by the Office of the Albany County District Attorney – and, thereafter, sharing copies of those materials with other Defendants;
  - (b) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;
  - (c) Conducting illegal surveillance activities in and/or about the Plaintiff’s various residences;
  - (d) Illegally gaining access to the Plaintiff’s conversations and/or text messaging on his cell phone;
  - (e) Illegally gaining access to the Plaintiff’s conversations on his land-line phone;
  - (f) Illegally gaining access to the contents of one or more of the computers that the Plaintiff has utilized to access the internet, to communicate with others, and/or to draft documents;
  - (g) Illegally gaining access to the contents of one or more of Plaintiff’s e-mail accounts;
  - (h) Developing a “negative publicity campaign” concerning the Plaintiff – and implementing some/all of the elements of that campaign;
  - (i) Filing fictitious change-of-address cards for the Plaintiff with the U.S. Post Office;
  - (j) Cutting the telephone line – and the cable television line – at the Plaintiff’s former residences;



- (k) Paint spraying the phrase “*You will die in 7 days*” at a construction site on the Plaintiff’s property in New Baltimore, NY;
- (l) Providing false and misleading information to the Office of the Albany County District Attorney that resulted in the Plaintiff being indicted by an Albany County Grand Jury;
- (m) Filing a false complaint against the Plaintiff with the District of Columbia Bar that contained numerous misrepresentations and outright lies, thereby putting the Plaintiff’s law license at risk and causing him to expend time and effort in refuting those charges;
- (n) Providing false and misleading information concerning the Plaintiff to various State and Federal law enforcement authorities in an attempt to get the Plaintiff indicted in a variety of jurisdictions – and encouraging them to indict the Plaintiff;
- (o) Making false and baseless representations concerning the Plaintiff to several third parties, thereby impugning his personal and professional reputation;
- (p) Requiring the Plaintiff to produce documents and records which were already in the possession of the Defendants, thereby forcing him to needlessly expend time and money on this effort;
- (q) Initiating baseless lawsuits and other legal actions against the Plaintiff and abusing the legal process with respect to those lawsuits and other legal actions, thereby requiring the Plaintiff to needlessly expend several hundreds of thousands of dollars on legal fees and eventually forcing him to file for bankruptcy protection; and
- (r) Filing baseless Adversary Proceedings in the Plaintiff’s bankruptcy case, thereby causing the Plaintiff to incur additional legal expenses – and delaying the resolution of that case.

83. As a result of the applicable Defendants’ involvement in the above-described conspiracy and conspiratorial scheme, the Plaintiff has suffered severe emotional, financial, mental, and physical harm and other deleterious effects<sup>19</sup>; been unfairly disadvantaged in a civil lawsuit that was initiated against him by several of the Defendants and other parties; had his freedom of speech severely impinged; been forced to spend hundreds of thousands of dollars on legal fees; been forced to file for bankruptcy; been forced to switch e-mail accounts on several occasions; and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to engage in the above-described conspiracy and conspiratorial scheme even though they are well aware of the devastating effects that their prior conspiratorial actions have already had on him.

**SECOND CAUSE OF ACTION**

**For Punitive Damages Related to Defendants’ Knowing, Willful and Malicious Participation in a Civil Conspiracy to Cause Harm to the Plaintiff**

84. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are

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<sup>19</sup> Since May 2011, the Plaintiff has been undergoing treatment for a variety of medical-related issues. In this regard, the Plaintiff was hospitalized from January 9, 2012 through January 13, 2012 as a result of several life-threatening conditions – and is still undergoing testing and treatment for a variety of medical-related issues.

contained in Paragraphs 45 through 83 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.

85. The applicable Defendants' participation in a conspiracy and a conspiratorial agreement and scheme to cause harm to the Plaintiff was done knowingly, willfully and maliciously. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

### **THIRD CAUSE OF ACTION**

#### **For Monetary Damages Related to Defendants' Violation of the Plaintiff's Civil Rights**

86. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 85 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
87. In addition to participating in a conspiracy and a conspiratorial agreement and scheme that were intended to (and that did) cause severe emotional, financial, mental, and physical harm to the Plaintiff and other deleterious effects, various Defendants have acted alone – and/or in concert with one another– to violate his civil rights.
88. Based upon information and belief, the applicable Defendants' violations of the Plaintiff's civil rights have been masterminded by Raniere/Vanguard, coordinated by Keeffe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of these violations have been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys.
89. Based upon information and belief, the applicable Defendants' violations of the Plaintiff's civil rights have included, but have not necessarily been limited to, the following elements:
- (a) Illegally copying confidential and legally protected materials concerning the Plaintiff that had been legally obtained by the Office of the Albany County District Attorney – and, thereafter, sharing copies of those materials with other Defendants;
  - (b) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;
  - (c) Conducting illegal surveillance activities in and/or about the Plaintiff's various residences;
  - (d) Illegally gaining access to the Plaintiff's conversations and/or text messaging on his cell phone;
  - (e) Illegally gaining access to the Plaintiff's conversations on his land-line phone;
  - (f) Illegally gaining access to the contents of one or more of the computers that the Plaintiff has utilized to access the internet, to communicate with others,

- and/or to draft documents;
- (g) Illegally gaining access to the contents of one or more of Plaintiff's e-mail accounts;
  - (h) Developing a "negative publicity campaign" concerning the Plaintiff – and implementing some/all of the elements of that campaign;
  - (i) Filing fictitious change-of-address cards for the Plaintiff with the U.S. Post Office;
  - (j) Cutting the telephone line – and the cable television line – at the Plaintiff's former residences;
  - (k) Paint spraying the phrase "*You will die in 7 days*" at a construction site on the Plaintiff's property in New Baltimore, NY;
  - (l) Providing false and misleading information to the Office of the Albany County District Attorney that resulted in the Plaintiff being indicted by an Albany County Grand Jury;
  - (m) Filing a false complaint against the Plaintiff with the District of Columbia Bar that contained numerous misrepresentations and outright lies, thereby putting the Plaintiff's law license at risk and causing him to expend time and effort in refuting those charges;
  - (n) Providing false and misleading information concerning the Plaintiff to various State and Federal law enforcement authorities in an attempt to get the Plaintiff indicted in a variety of jurisdictions – and encouraging them to indict the Plaintiff;
  - (o) Making false and baseless representations concerning the Plaintiff to several third parties, thereby impugning his personal and professional reputation;
  - (p) Requiring the Plaintiff to produce documents and records which were already in the possession of the Defendants, thereby forcing him to needlessly expend time and money on this effort;
  - (q) Initiating baseless lawsuits and other legal actions against the Plaintiff and abusing the legal process with respect to those lawsuits and other legal actions, thereby requiring the Plaintiff to needlessly expend several hundreds of thousands of dollars on legal fees and eventually forcing him to file for bankruptcy protection; and
  - (r) Filing baseless Adversary Proceedings in the Plaintiff's bankruptcy case, thereby causing the Plaintiff to incur additional legal expenses – and delaying the resolution of that case.

90. As a result of the applicable Defendants' violations of the Plaintiff's civil rights, the Plaintiff has suffered severe emotional, financial, mental, and physical harm and other deleterious effects; been unfairly disadvantaged in a civil lawsuit that was initiated against him by several of the Defendants and other parties; had his freedom of speech severely impinged; been forced to spend hundreds of thousands of dollars on legal fees; been forced to file for bankruptcy; been forced to switch e-mail accounts on several occasions; and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to violate the Plaintiff's civil rights even though they are well aware of the devastating effects that their prior violative actions have already had on him.

**FOURTH CAUSE OF ACTION**

**For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Violation of the Plaintiff's Civil Rights**

91. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 90 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
92. The applicable Defendants' violations of the Plaintiff's civil rights were done knowingly, willfully and maliciously. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

**FIFTH CAUSE OF ACTION**

**For Monetary Damages Related to the Defendants' Violation of Plaintiff's Constitutional Right to Privacy**

93. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 92 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
94. In addition to participating in a conspiracy and a conspiratorial agreement and scheme that were intended to (and that did) cause severe emotional, financial, mental, and physical harm to the Plaintiff and other deleterious effects, and to violating the Plaintiff's civil rights, various Defendants have acted alone – and/or in concert with one another – to violate the Plaintiff's constitutional right to privacy.
95. Based upon information and belief, the applicable Defendants' violations of the Plaintiff's constitutional right to privacy have been masterminded by Ranieri/Vanguard, coordinated by Keefe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of these violations have been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys
96. Based upon information and belief, the applicable Defendants' violations of the Plaintiff's right to privacy have included, but have not necessarily been limited to, the following elements:
  - (a) Illegally copying confidential and legally protected materials concerning the Plaintiff that had been legally obtained by the Office of the Albany County District Attorney;
  - (b) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;

- (c) Conducting illegal surveillance within the Plaintiff's various residences – and/or within his various automobiles;
- (d) Illegally gaining access to the Plaintiff's "live" conversations on his cell phone and/or his land line phone;
- (e) Illegally gaining access to the contents of one or more of the computers that the Plaintiff utilized to access the internet, to communicate, and/or to draft documents; and
- (f) Illegally gaining access to the contents of one or more of Plaintiff's e-mail accounts.

97. As a result of the applicable Defendants' violations of the Plaintiff's constitutional right to privacy, the Plaintiff has suffered severe emotional, financial, mental, and physical harm and other deleterious effects; been unfairly disadvantaged in a civil lawsuit that was initiated against him by several of the Defendants and other parties; had his freedom of speech severely impinged; been forced to spend hundreds of thousands of dollars on legal fees; been forced to file for bankruptcy; been forced to switch e-mail accounts on several occasions; and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to violate the Plaintiff's constitutional right to privacy even though they are well aware of the devastating effects that their prior violative actions have already had on him.

#### **SIXTH CAUSE OF ACTION**

#### **For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Violation of the Plaintiff's Constitutional Right to Privacy**

98. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 97 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
99. The Defendants' violations of the Plaintiff's constitutional right to privacy were done knowingly, willfully, and with malice. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

#### **SEVENTH CAUSE OF ACTION**

#### **For Monetary Damages Related to the Defendants' Retaliation Against the Plaintiff Because of His Whistleblower-Related Actions**

100. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 99 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
101. In addition to participating in a conspiratorial agreement and scheme that were intended to (and that did) cause harm to the Plaintiff, to violating the Plaintiff's civil rights, and to violating the Plaintiff's constitutional right to privacy, various Defendants have

individually – and/or in concert with one another – retaliated against the Plaintiff because of the fact that he has made “whistleblower reports” and provided related documents and records to several Federal and State agencies regarding some of the inappropriate and/or potentially illegal activities in which several of the Defendants have been and/or are engaged.

102. Based upon information and belief, the applicable Defendants’ retaliation efforts against the Plaintiff have been masterminded by Ranieri/Vanguard, coordinated by Keeffe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of these retaliations have been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys.
103. Based upon information and belief, the applicable Defendants’ retaliations against the Plaintiff have included, but have not necessarily been limited to, the following elements:
  - (a) Illegally copying confidential and legally protected materials concerning the Plaintiff that had been legally obtained by the Office of the Albany County District Attorney – and, thereafter, sharing copies of those materials with other Defendants;
  - (b) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;
  - (c) Conducting illegal surveillance activities in and/or about the Plaintiff’s various residences;
  - (d) Illegally gaining access to the Plaintiff’s conversations and/or text messaging on his cell phone;
  - (e) Illegally gaining access to the Plaintiff’s conversations on his land-line phone;
  - (f) Illegally gaining access to the contents of one or more of the computers that the Plaintiff has utilized to access the internet, to communicate with others, and/or to draft documents;
  - (g) Illegally gaining access to the contents of one or more of Plaintiff’s e-mail accounts;
  - (h) Developing a “negative publicity campaign” concerning the Plaintiff – and implementing some/all of the elements of that campaign;
  - (i) Filing fictitious change-of-address cards for the Plaintiff with the U.S. Post Office;
  - (j) Cutting the telephone line – and the cable television line – at the Plaintiff’s former residences;
  - (k) Paint spraying the phrase “*You will die in 7 days*” at a construction site on the Plaintiff’s property in New Baltimore, NY;
  - (l) Providing false and misleading information to the Office of the Albany County District Attorney that resulted in the Plaintiff being indicted by an Albany County Grand Jury;
  - (m) Filing a false complaint against the Plaintiff with the District of Columbia Bar that contained numerous misrepresentations and outright lies, thereby putting

the Plaintiff's law license at risk and causing him to expend time and effort in refuting those charges;

- (n) Providing false and misleading information concerning the Plaintiff to various State and Federal law enforcement authorities in an attempt to get the Plaintiff indicted in a variety of jurisdictions – and encouraging them to indict the Plaintiff;
- (o) Making false and baseless representations concerning the Plaintiff to several third parties, thereby impugning his personal and professional reputation;
- (p) Requiring the Plaintiff to produce documents and records which were already in the possession of the Defendants, thereby forcing him to needlessly expend time and money on this effort;
- (q) Initiating baseless lawsuits and other legal actions against the Plaintiff and abusing the legal process with respect to those lawsuits and other legal actions, thereby requiring the Plaintiff to needlessly expend several hundreds of thousands of dollars on legal fees and eventually forcing him to file for bankruptcy protection; and
- (r) Filing baseless Adversary Proceedings in the Plaintiff's bankruptcy case, thereby causing the Plaintiff to incur additional legal expenses – and delaying the resolution of that case.

104. As a result of the applicable Defendants' retaliations against the Plaintiff because of his whistleblower-related actions, the Plaintiff has suffered severe emotional, financial, mental, and physical harm and other deleterious effects; been unfairly disadvantaged in a civil lawsuit that was initiated against him by several of the Defendants and other parties; had his freedom of speech severely impinged; been forced to spend hundreds of thousands of dollars on legal fees; been forced to file for bankruptcy; been forced to switch e-mail accounts on several occasions; and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to retaliate against the Plaintiff even though they are well aware of the devastating effects that their prior retaliatory actions have already had on him.

#### **EIGHTH CAUSE OF ACTION**

#### **For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Retaliation Against the Plaintiff Because of His Whistleblower-Related Actions**

105. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 104 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
106. The Defendants' retaliations against the Plaintiff because of his whistleblower-related actions were done knowingly, willfully, and with malice. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

**NINTH CAUSE OF ACTION**

**For Monetary Damages Related to the Defendants' Infringement of Plaintiff's  
Common Law Copyright Protection – and Defendants' Violation of Plaintiff's  
Protections Per *The Digital Millennium Copyright Act***

107. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 106 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
108. In addition to participating in a conspiratorial agreement and scheme that were intended to (and that did) cause harm to the Plaintiff, to violating the Plaintiff's civil rights, to violating the Plaintiff's constitutional right to privacy, and to retaliating against the Plaintiff because of his whistleblower-related actions, various Defendants have also violated the Plaintiff's common law right of copyright protection by illegally making copies of e-mails that he authored from the [Joe@JJOHaraGroup.com](mailto:Joe@JJOHaraGroup.com) e-mail account – and/or violated the protections that are afforded to the Plaintiff with respect to those e-mails per *The Digital Millennium Copyright Act*, 17 U.S.C. § 512(c) (3) by
109. Based upon information and belief, the applicable Defendants' infringements of the Plaintiff's common law copyright protection – and the applicable Defendants' violations of the Plaintiff's protections per *The Digital Millennium Copyright Act* – have been masterminded by Ranieri/Vanguard, coordinated by Keeffe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of these infringements and violations been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys.
110. In general, e-mails are entitled to the same common law copyright protection as any other literary works. In this regard, one of the exclusive rights that are accorded to the owner of a copyright is the right to reproduce – and/or to authorize others to reproduce – the copyrighted material.
111. By obtaining copies of e-mails that were authored by the Plaintiff on his [Joe@JJOHaraGroup.com](mailto:Joe@JJOHaraGroup.com) e-mail account without his authorization – and by doing so without benefit of a Court Order or a properly issued subpoena – the applicable Defendants have violated the Plaintiff's common law copyright protection with respect to each such e-mail. As a result, the Plaintiff is entitled to collect monetary damages with respect to each such copyright violation.
112. In addition to the above, the applicable Defendants' receipt of copies of the above-referenced e-mails also violates the protections that are afforded to the Plaintiff per *The Digital Millennium Copyright Act* (None of the “safe harbor” provisions of that statute are applicable with respect to the above-cited actions of the Defendants). As a result, the Plaintiff is allowed to seek an award of statutory damages – or an award for actual damages – with respect to each such statutory violation (Per the applicable provisions of *The Digital Millennium Copyright Act*, the statutory damages for each such violation are \$2,500 - \$25,000).



113. Based upon information and belief, some of the Defendants are continuing to infringe upon the Plaintiff's common law copyright protection – and violate the Plaintiff's protections per *The Digital Millennium Copyright Act* – even though they are well aware of the devastating effects that their prior infringing and violative actions have already had on him.

**TENTH CAUSE OF ACTION**

**For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Infringement of Plaintiff's Common Law Copyright Protection – and Defendants' Knowing, Willful and Malicious Violation of the Plaintiff's Protections Per *The Digital Millennium Copyright Act***

114. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 113 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
115. The applicable Defendants' infringements of the Plaintiff's common law copyright protection – and the applicable Defendants' violations of the Plaintiff's protections per *The Digital Millennium Copyright Act* – were done knowingly, willfully, and with malice. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

**ELEVENTH CAUSE OF ACTION**

**For Monetary Damages Related to the Defendants' Infliction of Severe Emotional, Financial, Mental and Physical Distress on the Plaintiff**

116. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 115 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
117. In addition to participating in a conspiracy and a conspiratorial agreement and scheme that were intended to (and that did) cause harm to the Plaintiff, to violating the Plaintiff's civil rights, to violating the Plaintiff's constitutional right to privacy, to retaliating against the Plaintiff because of his whistleblower-related actions, and to violating the Plaintiff's common law right of copyright protection with respect to any e-mails that he authored from the [Joe@JJOHaraGroup.com](mailto:Joe@JJOHaraGroup.com) e-mail account and the protections that are afforded to the Plaintiff per *The Digital Millennium Copyright Act*, 17 U.S.C. § 512(c) (3), various Defendants have also inflicted severe emotional, financial, mental, and physical distress on the Plaintiff.
118. Based upon information and belief, the applicable Defendants' inflictions of severe emotional, financial, mental, and physical distress on the Plaintiff have been masterminded by Ranieri/Vanguard, coordinated by Keeffe, and funded by the Bronfman

sisters. Also based upon information and belief, specific elements of these inflictions have been carried out by various Defendants who have acted alone and/or in concert with one another – and who may have been assisted in their efforts by one or more of the named and/or un-named Defendant law firms and/or the Defendant attorneys.

119. Based upon information and belief, the applicable Defendants' inflictions of severe emotional, financial, mental, and physical distress on the Plaintiff. have included, but have not necessarily been limited to, the following elements:
- (a) Illegally copying confidential and legally protected materials concerning the Plaintiff that had been legally obtained by the Office of the Albany County District Attorney – and, thereafter, sharing copies of those materials with other Defendants;
  - (b) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;
  - (c) Conducting illegal surveillance activities in and/or about the Plaintiff's various residences;
  - (d) Illegally gaining access to the Plaintiff's conversations and/or text messaging on his cell phone;
  - (e) Illegally gaining access to the Plaintiff's conversations on his land-line phone;
  - (f) Illegally gaining access to the contents of one or more of the computers that the Plaintiff has utilized to access the internet, to communicate with others, and/or to draft documents;
  - (g) Illegally gaining access to the contents of one or more of Plaintiff's e-mail accounts;
  - (h) Developing a "negative publicity campaign" concerning the Plaintiff – and implementing some/all of the elements of that campaign;
  - (i) Filing fictitious change-of-address cards for the Plaintiff with the U.S. Post Office;
  - (j) Cutting the telephone line – and the cable television line – at the Plaintiff's former residences;
  - (k) Paint spraying the phrase "*You will die in 7 days*" at a construction site on the Plaintiff's property in New Baltimore, NY;
  - (l) Providing false and misleading information to the Office of the Albany County District Attorney that resulted in the Plaintiff being indicted by an Albany County Grand Jury;
  - (m) Filing a false complaint against the Plaintiff with the District of Columbia Bar that contained numerous misrepresentations and outright lies, thereby putting the Plaintiff's law license at risk and causing him to expend time and effort in refuting those charges;
  - (n) Providing false and misleading information concerning the Plaintiff to various State and Federal law enforcement authorities in an attempt to get the Plaintiff indicted in a variety of jurisdictions – and encouraging them to indict the Plaintiff;
  - (o) Making false and baseless representations concerning the Plaintiff to several third parties, thereby impugning his personal and professional reputation;
  - (p) Requiring the Plaintiff to produce documents and records which were already

in the possession of the Defendants, thereby forcing him to needlessly expend time and money on this effort;

- (q) Initiating baseless lawsuits and other legal actions against the Plaintiff and abusing the legal process with respect to those lawsuits and other legal actions, thereby requiring the Plaintiff to needlessly expend several hundreds of thousands of dollars on legal fees and eventually forcing him to file for bankruptcy protection; and
- (r) Filing baseless Adversary Proceedings in the Plaintiff's bankruptcy case, thereby causing the Plaintiff to incur additional legal expenses – and delaying the resolution of that case.

120. As a result of the applicable Defendants' inflictions of severe emotional, financial, mental, and physical distress on the Plaintiff, the Plaintiff has suffered a variety of deleterious effects; been unfairly disadvantaged in a civil lawsuit that was initiated against him by several of the Defendants and other parties; had his freedom of speech severely impinged; been forced to spend hundreds of thousands of dollars on legal fees; been forced to file for bankruptcy; been forced to switch e-mail accounts on several occasions; and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to inflict severe emotional, financial, mental, and physical distress on the Plaintiff even though they are well aware of the devastating effects that their prior distress-producing actions have already had on him.

#### **TWELFTH CAUSE OF ACTION**

#### **For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Infliction of Severe Emotional, Financial, Mental, And Physical Distress on the Plaintiff**

- 121. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 120 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
- 122. The applicable Defendants infliction of severe emotional financial, mental, and physical distress on the Plaintiff was done knowingly, willfully, and with malice. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

#### **THIRTEENTH CAUSE OF ACTION**

#### **For Monetary Damages Related to the Defendants' Defamation of the Plaintiff**

- 123. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 122 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.
- 124. In addition to participating in a conspiratorial agreement and scheme that were intended

to (and that did) cause harm to the Plaintiff, to violating the Plaintiff's civil rights, to violating the Plaintiff's constitutional right to privacy, to retaliating against the Plaintiff because of his whistleblower-related actions, to violating the Plaintiff's common law right of copyright protection with respect to any e-mails that he authored from the Joe@JJOHaraGroup.com e-mail account and the protections that are afforded to the Plaintiff per *The Digital Millennium Copyright Act*, 17 U.S.C. § 512(c) (3), and to inflicting severe emotional, financial, mental, and physical distress on the Plaintiff, various Defendants have also defamed the Plaintiff.

125. Based upon information and belief, the applicable Defendants' defamation of the Plaintiff has been masterminded by Raniere/Vanguard, coordinated by Keeffe, and funded by the Bronfman sisters. Also based upon information and belief, specific elements of the defamation have been carried out by various members of the Defendants who have acted alone and/or in concert with one another – and who have been assisted in their efforts by one or more of the Defendant law firms and/or the Defendant attorneys.
126. Based upon information and belief, the applicable Defendants' defamation of the Plaintiff has included, but has not necessarily been limited to, the following elements:
  - (a) Hiring one or more private investigators and/or private investigation firms to illegally obtain confidential and legally protected information regarding the Plaintiff;
  - (b) Conducting illegal surveillance within the Plaintiff's various residences – and/or within his various automobiles;
  - (c) Illegally gaining access to the Plaintiff's "live" conversations on his cell phone and/or his land line phone;
  - (d) Illegally gaining access to the contents of one or more of the computers that the Plaintiff utilized to access the internet, to communicate, and/or to draft documents;
  - (e) Illegally gaining access to the contents of one or more of Plaintiff's e-mail accounts;
  - (f) Developing a "negative publicity campaign" concerning the Plaintiff – and implementing some/all of the elements of that campaign;
  - (g) Filing a false complaint against the Plaintiff with the District of Columbia Bar that contained numerous misrepresentations and outright lies, thereby putting the Plaintiff's law license at risk and causing him to expend time and effort in refuting those charges;
  - (h) Providing false and misleading information concerning the Plaintiff to various State and Federal law enforcement authorities in an attempt to get the Plaintiff indicted in a variety of jurisdictions – and encouraging them to indict the Plaintiff;
  - (i) Providing false and misleading information to the Office of the Albany County District Attorney that resulted in the Plaintiff being indicted by an Albany County Grand Jury;
  - (j) Making false and baseless representations concerning the Plaintiff to several third parties, thereby impugning his personal and professional reputation;
  - (k) Initiating baseless lawsuits and other legal actions against the Plaintiff and abusing the legal process with respect to those lawsuits and other legal

actions, thereby requiring the Plaintiff to needlessly expend several hundreds of thousands of dollars on legal fees and eventually forcing him to file for bankruptcy protection; and

- (l) Filing baseless Adversary Proceedings in the Plaintiff's bankruptcy case, thereby causing the Plaintiff to incur additional legal expenses – and delaying the resolution of that case.

127. As a result of the applicable Defendants' defamation of the Plaintiff, the Plaintiff has suffered a variety of deleterious effects – and had his personal and professional reputation severely and permanently damaged. Based upon information and belief, some of the Defendants are continuing to defame the Plaintiff even though they are well aware of the devastating effects that their prior defamatory actions have already had on him.

#### **FOURTEENTH CAUSE OF ACTION**

#### **For Punitive Damages Related to the Defendants' Knowing, Willful and Malicious Defamation of the Plaintiff**

128. The Plaintiff hereby re-alleges and incorporates by reference all of the allegations that are contained in Paragraphs 45 through 127 herein as though they were set forth here – and, by this reference, makes them a part hereof this cause of action.

129. The Defendants' defamation of the Plaintiff was done knowingly, willfully, and with malice. As a result, punitive damages should be imposed on those Defendants separate and apart from any monetary damages that are awarded to the Plaintiff with respect to same.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff, Joseph J. O'Hara, demands judgment against the Defendants as follows:

1. On the First Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from engaging in any additional conspiratorial agreements and/or schemes that are intended to harm the Plaintiff;
2. On the Second Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon;
3. On the Third Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from any further violations of the Plaintiff's civil rights;
4. On the Fourth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon;

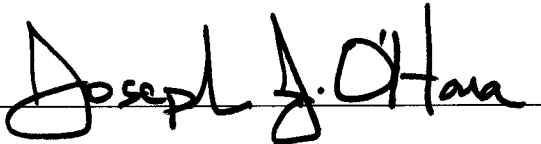
5. On the Fifth Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from any further invasion of the Plaintiff's constitutional right to privacy;
6. On the Sixth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon;
7. On the Seventh Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from any further retaliation against the Plaintiff and/or anyone else who reports any of their illegal activities and practices to Federal and/or State authorities;
8. On the Eighth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon;
9. On the Ninth Cause of Action, monetary damages of Ten Thousand Dollars (\$10,000) per e-mail for each of the Plaintiff's e-mails that the Defendants received from Accelify, Goldenberg and/or any other third party plus appropriate interest thereon – and an Order directing the Defendants to destroy all of the copies of the Plaintiff's e-mails that they have in their possession and to refrain from any further copyright violations concerning the Plaintiff's e-mails;
10. On the Tenth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon;
11. On the Eleventh Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from any additional reckless actions that are intended to inflict severe emotional distress on the Plaintiff;
12. On the Twelfth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus interest thereon;
13. On the Thirteenth Cause of Action, monetary damages of at least Five Hundred Thousand Dollars (\$500,000) plus appropriate interest thereon – and an Order directing the Defendants to refrain from any further defamation of the Plaintiff's personal and/or professional reputation;
14. On the Fourteenth Cause of Action, punitive damages of at least One Million Dollars (\$1,000,000) plus appropriate interest thereon; and
15. Additional punitive damages in the amount of Five Million Dollars (\$5,000,000);
16. An Order requiring the Defendants to fully compensate the Plaintiff for all of the

expenses that he has incurred as a result of the various lawsuits and/or other legal actions that have ever been initiated against him by the Defendants;

17. An Order dismissing, with prejudice, any and all pending legal actions against the Plaintiff by each of the Defendants;
18. An Order requiring each of the Defendants to execute a "General Release" on behalf of the Plaintiff – and a permanent injunction that will prevent each of the Defendants from initiating any legal actions against the Plaintiff in the future – with respect to anything that he has done or said on or prior to the date on which that "General Release" and permanent injunction take effect; and
19. All such other and further relief as this Court deems just and proper.

Dated: February 9, 2012

Albany, NY

By: 

JOSEPH J. O'HARA, *Pro Se* Plaintiff  
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