

screenwriter and member of the prestigious Harvard Club of New York City, to lure young women, including Plaintiffs, through fraud, coercion, force and intimidation into compromising situations where he falsely imprisoned, sexually abused, assaulted, and/or battered them.

2. Defendant Toback prowled the streets of New York City, targeting young women, including Plaintiffs, to abuse who were or wanted to be involved in the entertainment industry. He deceitfully gained their trust and acquiescence to meet with him by touting his influence as a movie director and screenwriter, and friendship and work with famous actors. Toback lured the young women, including Plaintiffs, into meeting him by falsely promising them opportunities in his movies. The Plaintiffs acted at all times under duress due to Toback's repeated explicit and implicit threats of blacklisting them in the industry, physically harming them, and/or even killing them if they did not comply with and remain silent about the sexual abuse they endured.

3. On information and belief, over the course of four decades, Defendant Toback used his power and influence as a movie director and screenwriter, individuals involved with companies in the entertainment industry that he worked with or for, famous actors cast in his movies, and his affiliation with the Harvard Club to facilitate and carry out his serial sexual abuse of young women he hunted down on the streets of New York City, including Plaintiffs.

4. On information and belief, Defendant Toback repeatedly used his membership and affiliation with the Harvard Club of New York City to facilitate and carry out his abuse, luring his victims to the Harvard Club for meals and drinks and attacking them in the Harvard Club's dining room, stairwells, bathrooms and hotel rooms. Yet, The Harvard Club continued to allow Toback to remain as a member and to freely access its facilities to perpetrate his sexual abuse against young women, including Plaintiffs.

5. As such, Plaintiffs bring this action pursuant to the common law of the State of

New York and the Adult Survivor's Act (N.Y. CPLR 214-j) against Defendants to seek to hold Defendant Toback responsible for sexually abusing, assaulting, battering and/or falsely imprisoning them. Plaintiffs also seek to hold Defendant Harvard Club responsible for its negligence, gross negligence and other unlawful conduct that allowed Defendant Toback's serial sexual abuse to occur unchecked at the Harvard Club for decades. Defendants' unlawful conduct has caused Plaintiffs severe and life-lasting personal injuries and emotional distress that continue to detrimentally affect their lives to this day.

PARTIES

6. Plaintiffs, victims of sexual offenses, have been identified by pseudonyms herein pursuant to New York Civil Rights Law § 50-b and because these matters are of a highly sensitive and personal nature, and public disclosure of their identities poses the risk of harming their personal and professional lives in addition to subjecting them to further humiliation, shame, and emotional distress. In addition, many Plaintiffs were intimidated and fearful to come forward until now, as Defendant Toback threatened them with physical harm if they did so. Moreover, as described herein, James Toback has a history of publicly threatening people who have spoken out about his serial sexual abuse of young women.

7. Plaintiff Mary Monahan is a 52-year-old woman. She is a citizen of the United States and a resident of New York.

8. Plaintiff Sheila Hageman is a 51-year-old woman. She is a citizen of the United States and a resident of Connecticut.

9. Plaintiff Brandi Ischovitsch is a 53-year-old woman. She is a citizen of the United States and a resident of Texas.

10. Plaintiff Christine Hudman is a 51-year-old woman. She is a citizen of the United

States and a resident of Nevada.

11. Plaintiff Adrienne LaValley is a 40-year-old woman. She is a citizen of the United States and a resident of New York.

12. Plaintiff Jolene Hayes is a 74-year-old woman. She is a citizen of the United States and a resident of Florida.

13. Plaintiff Osa Wallander is a 49-year-old woman. She is a citizen of the United States and a resident of Sweden.

14. Plaintiff Leigh Eck is a 42-year-old woman. She is a citizen of the United States and a resident of Wisconsin.

15. Plaintiff Sunny Vidrine is a 47-year-old woman. She is a citizen of the United States and a resident of Georgia.

16. Plaintiff Frances Wilson is a 71-year-old woman. She is a citizen of the United States and a resident of Washington D.C.

17. Plaintiff Meaghan Farrell is a 42-year-old woman. She is a citizen of the United States and a resident of Pennsylvania.

18. Plaintiff Sarah MacKay is a 38-year-old woman. She is a citizen of Canada and a resident of British Columbia.

19. Plaintiff Marianne Hettinger is a 59-year-old woman. She is a citizen of the United States and a resident of New York.

20. Plaintiff Nicole Hodges is a 37-year-old woman. She is a citizen of the United States and a resident of Texas.

21. Plaintiff Kandiss Troy is a 44-year-old woman. She is a citizen of the United States and a resident of California.

22. Plaintiff Jane Doe 1 is a 54-year-old woman. She is a citizen of the United States and a resident of Massachusetts.

23. Plaintiff Jane Doe 2 is a 54-year-old woman. She is a citizen of the United States and a resident of Virginia.

24. Plaintiff Jane Doe 3 is a 40-year-old woman. She is a citizen of the United States and a resident of New Jersey.

25. Plaintiff Jane Doe 4 is a 36-year-old woman. She is a citizen of the United States and a resident of California.

26. Plaintiff Jane Doe 5 is a 42-year-old woman. She is a citizen of the United States and a resident of New York.

27. Plaintiff Jane Doe 6 is a 49-year-old woman. She is a citizen of the United States and a resident of New York.

28. Plaintiff Jane Doe 7 is a 47-year-old woman. She is a citizen of the United States and a resident of California.

29. Plaintiff Jane Doe 8 is a 59-year-old woman. She is a citizen of the United States and a resident of Colorado.

30. Plaintiff Jane Doe 9 is a 41-year-old woman. She is a citizen of the United States and a resident of California.

31. Plaintiff Jane Doe 10 is a 60-year-old woman. She is a citizen of the United States and a resident of Washington.

32. Plaintiff Jane Doe 11 is a 50 year-old woman. She is a citizen of the United States and a resident of Tennessee.

33. Plaintiff Jane Doe 12 is a 41-year-old woman. She is a citizen of the United States

and a resident of North Carolina.

34. Plaintiff Jane Doe 13 is a 47-year-old woman. She is a citizen of the United States and a resident of California.

35. Plaintiff Jane Doe 14 is a 44-year-old woman. She is a citizen of the United States and a resident of New York.

36. Plaintiff Jane Doe 15 is a 38-year-old woman. She is a citizen of the United States and a resident of New York.

37. Plaintiff Jane Doe 16 is a 60-year-old woman. She is a citizen of the United States and a resident of California.

38. Plaintiff Jane Doe 17 is a 45-year-old woman. She is a citizen of the United States and a resident of New York.

39. Plaintiff Jane Doe 18 is a 60-year-old woman. She is a citizen of the United States and a resident of New York.

40. Plaintiff Jane Doe 19 is a 49-year-old woman. She is a citizen of the United States and a resident of Illinois.

41. Plaintiff Jane Doe 20 is a 56-year-old woman. She is a citizen of the United States and a resident of the United Kingdom.

42. Plaintiff Jane Doe 21 is a 43-year old woman. She is a citizen of the United States and a resident of New York.

43. Plaintiff Jane Doe 22 is a 49-year-old woman. She is a citizen of the United States and a resident of California.

44. Plaintiff Jane Doe 23 is a 43-year-old woman. She is a citizen of the United States and a resident of California.

45. Defendant James Toback is, on information and belief, a citizen of the United States and a resident of New York. He may be served with process at 25 West 68th Street, New York, NY 10023. Toback directed and wrote films including, *The Pick-up Artist*, *Black & White*, and *Harvard Man* and wrote the screenplays for films such as *the Gambler* and *Bugsy*, among others.

46. Defendant Harvard Club of New York City is a not-for-profit corporation doing business in the State of New York at 27 West 44th street, New York, NY, United States, 10036 and may be served at the same address. On information and belief, Defendant Toback graduated from Harvard University in or about 1966 and was a long-standing member of the Harvard Club which he used repeatedly to facilitate and carryout his sexual abuse of countless young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 as set forth herein.

JURISDICTION AND VENUE

47. This Court has jurisdiction over this matter pursuant to New York Civil Practice Laws and Rules (“CPLR”) § 301.

48. Venue is proper in New York County pursuant to CPLR § 503(a) because it is the County in which at least one of the parties resides and where a substantial part of the events giving rise to the claims herein occurred.

FACTUAL BACKGROUND

49. Defendant James Toback always viewed himself a pickup artist. So much so that in 1987 he made a movie based on his own exploits with that exact title, *The Pick-Up Artist*, starring Robert Downey Jr. and Molly Ringwald. In the film, Robert Downey Jr. plays an obsessive womanizer who combs the Upper West Side for young women and justifies his behavior by saying,

“I have a vested interest in meeting strangers. Every woman that I’ve ever liked or communed with or given great satisfaction to always started off as a stranger.”

50. But James Toback is not a pickup artist. He is a serial sexual predator who used his position of power and influence in the entertainment industry as a movie director and screenwriter to sexually abuse countless young women, including Plaintiffs, for decades. Over several decades, Defendant Toback prowled the streets of Manhattan, luring young women with false promises of future roles in his movies to New York City establishments such as the Defendant Harvard Club and then falsely imprisoned, sexually abused, assaulted and/or battered them.

51. On information and belief, Defendant James Toback used numerous actors, individuals employed by entertainment studios he worked for or with and the Harvard Club, of which he was a long-standing member, among others, to facilitate, carryout and conceal his serial sexual abuse of young women, including Plaintiffs, and to prevent such abuse from becoming known within the entertainment industry and world at large.

52. On information and belief, Defendant Toback often used his Harvard Club membership to lure young women, including six of the Plaintiffs, to the Harvard Club under the false pretense of discussing future movie roles and then sexually assaulting them in its dining room, stairwells, bathrooms and private hotel rooms. On information and belief, Defendant Toback was a fixture of the Harvard Club for decades, not only keeping a private room there but receiving his mail there. On information and belief, the Harvard Club was the location of many of Defendant Toback’s sexual abuse of young women, including Plaintiffs.

Defendant Toback’s Modus Operandi

53. Defendant Toback repeated the same ruse over and over again with hundreds of victims, often using the same lines, enablers, and locations where he was able to perpetrate his

abuse upon unsuspecting young women, including Plaintiffs, for decades. Like many other powerful men in Hollywood, including for example, Harvey Weinstein, Defendant Toback's sexual abuse of women was what some refer to as an "open secret:" known by those who worked with him or who worked in establishments he frequented where he repeatedly perpetrated his abuse and assaults, but hidden from those who he victimized, including Plaintiffs.

54. In March 1989 Spy magazine published an article titled "The Pickup Artist's Guide To Picking Up Women, A Case by Case Look at Movie Director James Toback's Street Technique." In the article, two women who Defendant Toback had victimized, laid out 13 separate accounts of Toback's predatory behavior and sexual assaults, breaking them down into the following categories or steps of his abusive scheme:

- a. "The Introduction;"
- b. "The Credentials;"
- c. "Setting the Hook: Flattery;"
- d. "Pitching the Project;"
- e. "Call Me;"
- f. "The Answering Service;"
- g. "The Date;"
- h. "Talking Dirty;"
- i. "A Fascination with Numbers;"
- j. "The Allure of Danger;"
- k. "Trust Me;" and
- l. "Last Straws;"

55. In response to the Spy author's request for comment on the piece, Toback threatened the author as follows:

'I hope you know what you are doing when you fuck with me.' He went on, grimly, 'If you print this piece, I promise it will be the single thing you regret most in your life.' When pressed for details, he said, 'Think of your very worst nightmare. {Dramatic pause.} It'll be worse than that.'

56. As described herein, Plaintiffs' encounters with Defendant Toback followed a similar pattern of conduct as described in the Spy article.

57. **"The Introduction."** First, Defendant Toback would approach unsuspecting young women on the streets of New York City under the pretext of discussing potential acting roles in his movies. He would often introduce himself, stating something similar to, "My name's James Toback. I'm a movie director." For example, Toback approached Jane Doe 20 on the street and admitted he had been following her for several blocks. He explained who he was and described himself to Jane Doe 20 as a "pick up artist" that spotted women and talent on the street.

58. **"The Credentials."** Defendant Toback carried with him various credentials, including magazines with his picture or his Director's Guild of America identification card to gain women's trust. Toback would also drop names of his famous celebrity friends. For example, Toback proved his Hollywood credentials to Jane Doe 5 by showing her his industry Guild card and a publication with his name, photo, and film in it. Similarly, he overcame Plaintiff Nicole Hodges's skepticism by pulling out three DVDs of his own films that he happened to be carrying.

59. **"Setting the Hook: Flattery."** Next, Defendant Toback would shower the women with compliments. For example, Toback told Sheila Hageman and Jane Doe 7 that they were "perfect" to star in his films. He called Jane Does 3 and 4 "special." He claimed plaintiff Brandi

Ischovitsch looked like Molly Ringwald. He told Adrienne LaValley she gave him an “amazing feeling.” Similarly, Toback expressed to Nicole Hodges and Jane Does 10, 17, and 18 that they were some of the most beautiful and stunning women he had ever seen. And Toback told Jane Doe 19 that he had an immediate erection after seeing her.

60. **“Pitching the Project.”** Defendant Toback often told women he was working on a project and that he wanted to cast them in his upcoming movie. Toback would then ask them to meet with him to read a script or “audition.” For example, Toback yelled out to Frances Wilson from a cab that she was exactly who he had been looking for to cast in a role in an upcoming movie. He started showing her papers out the window of the cab and was insistent that she talk to him. He got out of the cab and asked her to go to his office and take a look at the script. Similarly, Toback approached Sunny Vidrine on the subway and told her that she was just right for a part in his new movie and that they should meet somewhere to discuss details. Toback told Jane Doe 5 he thought she would be perfect for a role in a film he was working on. He handed her a script and told her to go home, read it, watch the movie *Black and White* and then meet him that evening at a restaurant on the upper east side. Jane Doe 5 complied, excited that she had finally been “discovered.”

61. **“Call Me.”** Defendant Toback would tell women they needed to meet again to discuss roles in his upcoming projects. He would give them his phone number and tell them to call him to arrange these “business meetings.” For example, he gave Jane Doe 9 his phone number on a piece of newspaper.

62. **“The Date.”** Defendant Toback often had women meet with him at restaurants, hotels, coffee shops, or at his “office” which, unbeknownst to his victims until they arrived, was often his apartment. One location he used frequently for these “meetings” was Defendant Harvard

Club of New York City. Defendant Toback graduated from Harvard University in or around 1966 and was a member of the Harvard Club. Toback repeatedly used the prestige and privacy of the Harvard Club to lure women—including at least Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 —into a secluded place at the Club for a meal, alcohol, and a private room. On information and belief, and as described further below, for decades, Defendant Toback falsely imprisoned, sexually assaulted, abused and/or battered women at the Harvard Club, including six of the Plaintiffs, in its dining room, hallways, stairwells, bathrooms and hotel rooms.

63. Defendant Toback sexually assaulted his victims including Plaintiffs, at other locations around Manhattan, including his editing studio, his apartment, hotel rooms, and public parks. Toback even used his mother’s apartment to meet with and assault at least Plaintiffs Sarah MacKay, Jane Doe 4 and Jane Doe 22.

64. **“Talking Dirty.”** At these “meetings” the conversation rarely involved business. Instead, Defendant Toback would boast about his alleged sexual conquests and ask humiliating personal questions of the women, including Plaintiffs. For example, Toback asked Jane Doe 20 questions about her pubic hair, orgasms, and sexual preferences, and he asked Jane Doe 8 whether she masturbated. While eating lunch with Jane Doe 15, Toback described his past sexual experiences in detail and told her that he would want her to be sexually involved with him if he were to cast her in his film. Defendant Toback also claimed that he fathered many children, telling Plaintiff Mary Monahan that he fathered as many as 99 children. Similarly, Toback told Jane Doe 4 he had fathered over 75 children.

65. **“The Allure of Danger.”** Defendant Toback frequently made elaborate claims about his dangerous propensities as a way to intimidate his victims. For example, Toback often claimed that he had connections to the “mob.” He also told many victims, including Plaintiffs, that

he had killed people. For example, Toback told Jane Doe 18 that he had killed a therapist at Harvard by bashing her head against a radiator. He bragged to Jane Doe 8 that he had killed someone with a fork and that his typist had been murdered. He told Plaintiffs Mary Monahan and Marianne Hettinger how he had bashed a man's head in with a baseball bat. Defendant Toback also bragged about his gambling habits and frequently took his victims including Plaintiffs, to various off-track betting "OTB" locations.

66. **"Trust Me."** Defendant Toback tried to justify his behavior by telling these women, including Plaintiffs, that before he could work with them, he needed to get to know them intimately, and develop trust. For example, Toback told Plaintiff Adrienne LaValley he could not trust her to be intimate in a love scene in front of an entire crew unless he heard her orgasm first. He pushed the façade further and insisted he needed to perform oral sex on Plaintiff Adrienne LaValley so he could see how she would be in that type of scene. Toback told Plaintiff Mary Monahan she needed to do a "trust exercise" which involved her getting naked and having a conversation with him while sitting on his floor. He also told Plaintiff Sheila Hageman that getting naked would prove that she "trusted" Toback.

67. **"Last Straws."** Once Defendant Toback and his victim were alone, Toback would instruct women, including Plaintiffs, to engage in sexual behavior, including taking their clothes off, to reveal themselves to him, and act provocatively to see if they were right for the alleged "role." For example, Toback instructed Jane Doe 2 to show him some sultry acting and sexy bedroom eyes before asking her to straddle his leg and massage his nipples. Similarly, he insisted the best way for Jane Doe 11 to prove she could handle the role was for her to pinch his nipples while he ejaculated. For Jane Doe 4's "audition," Toback told her to imagine she was alone in the room with a penis and tell him what she would do with it.

68. Defendant Toback would also instruct his victims, including many Plaintiffs, to masturbate in front of him. For example, Toback told Jane Doe 9 that she had to masturbate naked on a bed in front of him and that if she refused she would never have a career in acting. Toback told Jane Doe 9 this was “part of the job.”

69. Defendant Toback would tell women, including Plaintiffs, that he needed to orgasm several times a day to function and they had to help him orgasm. For example, Toback told Jane Doe 16 he had to orgasm 20 times a day or he couldn't work and that she had to engage sexually with him if she wanted to be a star. Similarly, he told Jane Doe 22 he needed to orgasm 8 times a day. He told Plaintiff Marianne Hettinger he needed to ejaculate 15 times a day.

70. Often times, when his victims tried to escape, Defendant Toback would chase them down, trap them and assault them. For example, Toback chased Plaintiffs Christine Hudman and Marianne Hettinger to the elevator when they tried to escape him. Neither woman was able to get away before Toback sexually assaulted them.

71. Other times, Defendant Toback prevented his victims from escaping by blocking the exit. For example, when Jane Doe 5 tried to leave Toback's apartment after “auditioning” for him, Toback blocked the door and told her she could not leave yet, and then he sexually assaulted her. Before assaulting Jane Doe 3 and Frances Wilson, Toback physically blocked the door with his body to prevent each woman from leaving.

72. Many times, with his victims unable to leave, Defendant Toback would masturbate in front of, or sometimes on, these women, including Plaintiffs. For example, Toback masturbated in front of Plaintiff Jolene Hayes in the dining room of the Harvard Club, ejaculating onto Jolene Hayes and the dinner table he had pinned her against. Similarly, while allegedly meeting to discuss

an upcoming role, Toback physically charged Plaintiff Mary Monahan and threw her on the floor. Toback then pulled out his penis and ejaculated all over her shirt.

73. Other times, Defendant Toback would physically force himself onto these women, including many Plaintiffs, kissing them and vigorously rubbing his genitals up against them and ejaculating on them without their consent. For example, Toback humped Plaintiff Brandi Ischovitsch's leg while telling her to stare into his eyes. Similarly, he humped Jane Doe 6's leg "like a dog." As described herein, Toback pressed himself up against many Plaintiffs and rubbed up against them, or humped them, until he ejaculated.

74. Other times, Defendant Toback would forcibly touch and or penetrate his victims' genitals with his hands and/or mouth against their will. For example, without their consent, Toback forcibly penetrated Plaintiff Sheila Hageman's vagina with his fingers and performed oral sex on Jane Doe 15.

75. After he assaulted them, Defendant Toback would harass, threaten, extort and mislead women, including Plaintiffs, in order to hinder and prevent their disclosure of his sexual abuse and avoid prosecution for his abuse. Toback would often threaten his victims, including Plaintiffs, that if they told anyone about the assaults, he would ruin their career. For example, when Toback finished assaulting Jane Doe 5, he told her she could never say anything to anyone ever or she would never have a career in Hollywood and/or acting.

76. Defendant Toback also would threaten and intimidate his victims, including Plaintiffs, by telling them that he had ties to the "mob" and knew people who hurt people. For example, Plaintiff Marianne Hettinger was too afraid to tell anyone about Toback assaulting her because Toback had told her he had killed a man in graphic detail and that he had ties to the "mob."

77. Plaintiffs did not consent to Defendant Toback's abuse. Toback forcibly compelled them to comply through use of physical force and/or threats, both express and implied, that he would have Plaintiffs blacklisted from the industry, kidnapped, physically harmed, or killed.

78. In 2010, Defendant Toback's sexually deviant behavior was again written about publicly. In an article entitled "Sleazy Film Director James Toback's Underage Pick-up Attempt" an author for Gawker relayed a story of how Toback tried to pick up a 14 year-old-girl, telling her she had "the look" and that he could make her a star.

79. Then again, in 2012, Gawker published an article entitled "James Toback Strikes Again: I Have to Cum at Least Seven Times a Day." In the article, the author, a 24-year-old woman, detailed her encounter with Defendant Toback on the streets of New York City and his predatory routine. The author described how Toback lured her to the Harvard Club under the guise of putting her in his next movie. The author stated that "Everyone [at the Harvard Club] knew him." The conversation then turned sexual and Toback tried to lure her into a Harvard Club hotel room. Luckily, she declined.

80. Then, in 2017, around the same time that dozens of women publicly accused movie mogul Harvey Weinstein of decades of sexual misconduct, Los Angeles Times' Glenn Whipp published an article reporting that 38 women said Defendant Toback sexually harassed or sexually assaulted them. The article outlined the same pattern of conduct described herein in Plaintiffs' accounts. According to Whipp, in each allegation, Toback used his name and reputation as a director to entice young women to meet with him alone, then quickly turned the conversation to sexual topics before masturbating in front of or humping his victims against their will.

81. In the days and weeks after the story was published, an additional 357 women contacted Glenn Whipp and shared their own similar experiences with Defendant Toback.

82. Speaking to Rolling Stone magazine about the allegations in Whipp's article, Defendant Toback stated that anyone who suggests he would offer a part to anyone for any reason beyond their acting ability is "a lying cocksucker or cunt or both." He added, "Anyone who says that, I just want to spit in his or her fucking face."

Defendant The Harvard Club of New York City

83. As described herein, as far back as 1980, Defendant Toback falsely imprisoned, sexually abused, assaulted, and/or battered many women at Defendant Harvard Club over decades, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

84. Based on the allegations herein, in addition to other victim's reports of Defendant Toback's conduct, Defendant Harvard Club knew or should have known that Defendant Toback perpetrated his sexually abusive and predatory conduct against numerous victims, including several of the Plaintiffs, on its premises, yet allowed Toback's abuse to continue unchecked for nearly 40 years.

85. On information and belief, Defendant Toback was very well known inside the Harvard Club to its employees and members. He frequently brought young women, aspiring actresses, celebrities, and business associates there for meals and entertainment. He also kept a private room there and received mail at its address. As mentioned above, one victim stated, "Everyone [at the Harvard Club] knew him."

86. Defendant Toback was allowed unfettered access in and around the Harvard Club, including areas intended for employees only, where Toback could lure, seclude, falsely imprison and sexually abuse, assault and/or batter his victims, including several of the Plaintiffs. For example, one victim described how while at the Harvard Club, Toback offered to give her a tour of the club. Instead, Toback led her through a service door into a utility hallway where he tried to

sexually assault her. Under the guise of discussing a professional opportunity, Toback led Jane Doe 12 to the secluded, darkened and closed dining room of the Harvard Club and there sexually abused her. Again, under the false pretense of discussing a career opportunity with Jane Doe No 28, Toback lured her to the Harvard Club for lunch and then as they were walking towards the exit, steered her into a bathroom, falsely imprisoned and sexually assaulted her.

87. As described herein, Defendant Toback also frequently used hotel rooms, including his private room, at the Harvard Club to falsely imprison and sexually abuse his victims, including several of the Plaintiffs. For example, under the guise of discussing a professional opportunity, Defendant Toback arranged a meeting with Jane Doe 4 at the Harvard Club. He took Jane Doe 4 upstairs to a hotel room and there sexually abused her.

88. Defendant Toback's use of the Harvard Club as a location to assault young women was documented as far back as the 1989 exposé in Spy Magazine mentioned above. In that article, several victims detailed how Toback leveraged the Harvard Club to victimize women.

89. Nevertheless, for 40 years, Defendant Harvard Club did nothing to address Toback's conduct to protect the scores of young women Defendant Toback repeatedly lured through its doors to sexually abuse. Instead, the Harvard Club continually catered to Toback's needs, providing him a safe haven for his reprehensible and criminal acts.

90. On information and belief, in or around 2008 or 2009 the Harvard Club hosted a private screening of Toback's film "Tyson."

91. Upon information and belief, the Harvard Club previously initiated an investigation into Toback's conduct after it received reports of his misconduct. However, due at least in part to Toback's threats of retaliation, including legal action, the Harvard Club did not follow through with the investigation and took no action to prevent Toback from abusing other victims.

92. Only after the LA Times published its bombshell article mentioned above in the fall of 2017, did the Harvard Club do anything to address Defendant Toback's conduct. In response to the allegations in the article, the Harvard Club terminated Defendant Toback's membership after allegedly performing an internal investigation in or around the fall of 2017, 28 years after the Spy article detailed Toback's use of the Harvard Club to sexually abuse his victims.

93. In early 2018, five women reported to authorities that Defendant Toback sexually harassed and assaulted them at the Harvard Club, describing sexual assaults that occurred in stairwells and private rooms at the Club between 1980 and 2012. In addition, these women sent their personal accounts of Toback's abuse directly to the Harvard Club.

94. In one letter to the Harvard Club, a woman reported that Defendant Toback invited her for lunch at the Harvard Club in the fall of 1980. She stated in her report "as we walked past a door, he said let me tour you through here. He opened it and ushered me through the door in front of him. In front of me after the door closed was the fire stairwell, where I found myself standing, not knowing which way to go. He then stepped in front of me. Instead of leading me anywhere, he shoved me against the wall behind me and began to fondle me, then unzipped his pants and molested me. It happened quickly and I was frightened and in shock."

95. In another letter to the Harvard Club, one of the women pleaded: "Please take action to be accountable for what the Harvard Club turned a blind eye to, at best, and condoned at worst . . . Please take responsibility and action, on behalf of all of us who were damaged by a predator who used its premises and the prestige the club infers to lure in naive, unsuspecting girls and women, who have suffered in the aftermath of Toback's abuse."

96. Another woman wrote "To the President and Members of the Harvard Club. . . The Harvard Club was used and exploited for the benefit of a sexist predator. He hunted us on the

streets of New York City, conned us with the promise of auditions at the Harvard Club, legitimized himself with the brag that he was a member of the Harvard Club. James Toback '66 used your name as bait to prey on young women. He exploited the dreams and vulnerabilities of hundreds of young women. James Toback used the Harvard Club as a location for his sexual assaults for decades. This has been in the news for decades and I cannot find any statement from the Harvard Club. At long last will you respond? The time is now to address this publicly.”

97. Defendant Harvard Club has not responded publicly to these reports or otherwise to their role in allowing Toback to use its facilities for decades to lure, confine and sexually assault countless young women, including six of the Plaintiffs.

98. Despite his behavior, Defendant Harvard Club allowed Toback unfettered access to the Club for decades due to his power and influence as a movie director and screen writer. The Harvard Club valued Toback’s membership more than the lives of the young women Toback sexually assaulted on its premises.

99. To this day, Defendant Harvard Club of New York City’s Wikipedia page still touts James Toback as one of its nine (9) prestigious “Notable Members” alongside former United States Presidents Franklin D. Roosevelt, Theodore Roosevelt, John F. Kennedy, and business titans Reginald Lewis and Michael Bloomberg.

100. Defendant Toback’s and the Harvard Club’s unlawful conduct has had a devastating and lasting impact on Plaintiffs’ lives. The physical and mental trauma of Toback’s sexual abuse deeply affects them to this day.

A. Defendant Toback’s Abuse of Plaintiff Mary Monahan

101. In or about late 1998 and early 1999, when Mary Monahan was approximately 28 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

102. In December of 1998, Defendant Toback approached Mary on the street in New York City. Under the guise of discussing a professional opportunity, Toback invited her to a meeting and audition for his next film, *Love in Paris*.

103. On or about December 19, 1998, Mary Monahan arrived at Defendant Toback's editing suite for the meeting. Toback asked her to participate in a "trust exercise" by getting completely naked and then speaking to Toback. Defendant Toback told Mary that several other famous actresses "auditioned" for him in the nude. Mary disrobed while Toback remained fully clothed. After speaking for about 45 minutes, Toback told Mary to come over to the couch where he was sitting. As she sat down, he moved to the floor and straddled her right leg. Toback then instructed Mary to look into his eyes while he orgasmed. Toback began humping Mary's leg and ejaculated in his pants. He told Mary he was going to give her the break she sought and cast her in his project.

104. The next day, on or about December 20, 1998, Mary returned to the editing suite because she had forgotten her portfolio and because Toback insisted they had to start working immediately. As Mary was leaving the editing suite, Toback pulled her into a stairwell and pushed her down onto the stairs. He then humped her leg until he ejaculated, still fully clothed.

105. In or about late spring or early summer of 1999, Mary attended another meeting with Toback in the editing suite. Toback told Mary to wait in another room while he walked someone to the elevator. He entered the room after a couple of minutes and charged at Mary aggressively while making grunting sounds. Toback forcefully pulled Mary off the couch and threw her onto the floor. He then pulled out his penis and ejaculated all over Mary's shirt.

106. During one of their encounters, Toback bragged to Mary that he had recently been in court for bashing someone's head in with a baseball bat.

107. As a result of the aforementioned conduct, Mary suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

108. Mary Monahan's claim is timely brought pursuant to CPLR § 214-j.

109. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Mary Monahan's claims.

B. Defendant Toback's Abuse of Plaintiff Sheila Hageman

110. In or about 1992, when Sheila Hageman was approximately 20 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

111. Defendant Toback approached Sheila Hageman at the Grand Central Terminal and told her she was perfect to be the star of his next movie. He grabbed her arm and pulled her to a newsstand to show her a magazine article about himself. Under the guise of discussing a professional opportunity, Toback invited Sheila to come back to New York City later that week. Sheila thought this was her "big break" and returned later in the week and met with Toback at a mall. During this meeting, Toback informed Sheila the movie she would star in would revolve around a young woman discovering her sexuality. Toback asked Sheila about her pubic hair and instructed Sheila that she must stop shaving immediately because her role was of a young woman who had never shaved before or had any sexual experiences. Toback told Sheila that he "had to be" sexually involved with his actresses because it was the only way he could have that true connection and understanding. He told Sheila that there was only one actress he had not slept with because he was not attracted to her. At the end of the meeting, Toback told Sheila to return the following week, and he would screen her for his latest film in his screening room.

112. When Sheila arrived at the screening room the following week, she learned she was at Defendant Toback's apartment and the "screening room" was in fact Toback's bedroom.

113. Defendant Toback told Sheila to get naked because he needed to see her body to determine how he would film her. He also told Sheila that getting naked would prove that she “trusted” Toback. When Sheila hesitated, Toback got angry and threatened that she might not be right for the role if she could not feel comfortable getting naked in front of him. He went on to tell Sheila how sexual he was and that he needed to ejaculate at least 10 times a day. Toback began masturbating in front of Sheila while she was sitting on the bed. He stroked her body on her side and hip, at which point he ejaculated on himself. Then Toback had Sheila straddle him on the bed and pinch his nipples while he masturbated and ejaculated onto Sheila’s stomach.

114. Toback also told Sheila to “masturbate” for him, which she pretended to do and faked an orgasm because she was scared of saying no to Toback.

115. As the encounter continued, and whenever Toback would see Sheila hesitating, Toback would get angrier, telling Sheila that he did not have time to waste on her if she was not serious and that this was how the industry ran. He also threatened that he was very connected and that this would be Sheila’s one chance at a big break. This made Sheila more desperate to make him happy and to not lose what might be her one big break.

116. To get away from Defendant Toback, Sheila told him she needed to go to the bathroom. When she stepped back into the room, she could hear Toback’s breathing as he emerged from the side. Toback pushed Sheila against the wall and pinned her there, using his large size to his advantage. He began humping her, which is when Sheila realized he was naked. Toback continued to use his body to press Sheila against the wall and then pushed his fingers inside of her vagina. Sheila unsuccessfully tried to push Toback off. He released his pressure on Sheila only after he ejaculated on her.

117. Sheila ran out of the room, and after fumbling with the locks to get out of Defendant Toback's apartment, she was able to run to the elevator.

118. As a result of the aforementioned conduct, Sheila suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

119. Sheila Hageman's claim is timely brought pursuant to CPLR § 214-j.

120. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Sheila Hageman's claim.

C. Defendant Toback's Abuse of Plaintiff Brandi Ischovitsch

121. In or about the spring or summer of 1988 or 1989, when Brandi Ischovitsch was approximately 18 or 19 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

122. Defendant Toback approached Brandi while she was walking down the street. He introduced himself and mentioned he was the director of the film *The Pickup Artist*, starring Molly Ringwald and Robert Downey, Jr. Toback commented that Brandi looked like Molly Ringwald, and under the guise of an audition and discussing a professional opportunity, Toback set up a meeting with Brandi.

123. When Brandi arrived at the location Defendant Toback had chosen for the "audition," she learned that it was in fact his apartment. Toback and Brandi chatted for a while, and he commented, "You have the body of a Degas and the face of a Botticelli, you really do."

124. During their conversation, Toback bragged to Brandi that he had killed someone, causing Brandi to be fearful that if she didn't do as she was told, Toback might hurt or even kill her.

125. Defendant Toback then shoved himself against Brandi, pushing her against a wall. He told Brandi he was going to have an orgasm just by looking into her eyes. Toback then pressed his body up against Brandi and rubbed his body against her pelvic area and abdomen while telling her to look into his eyes. He instructed Brandi to pinch his nipples through his shirt. Toback ejaculated after a few minutes, and Brandi was finally able to leave.

126. As a result of the aforementioned conduct, Brandi suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

127. Brandi's claim is timely brought pursuant to CPLR § 214-j.

128. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Brandi's claim.

D. Defendant Toback's Abuse of Plaintiff Christine Hudman

129. In or about 1992, when Christine Hudman was approximately 21 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

130. Defendant Toback first approached Christine at a bagel shop. Christine was an acting student at the American Musical and Dramatic Academy at the time. Toback gave Christine a piece of paper with his name on it and told her he was a film director and writer. He suggested they get coffee together sometime. Christine did not call the number Toback gave her. However, they later met again at the same bagel shop, and under the guise of discussing a professional opportunity, Toback insisted they meet for coffee. Christine researched Toback and upon learning that he was a legitimate filmmaker she agreed to meet with him in the lobby of his apartment building.

131. When Christine arrived at Defendant Toback's apartment building, Toback was at a table in the lobby reading an article about himself. He frequently mentioned the names of A-list

movie stars during the conversation and then told Christine he could write a part for her in his next film. When Christine asked Toback why he would write a part for her without having seen her act, he said it was because he could.

132. Defendant Toback informed Christine he had a script upstairs in his apartment that he wanted to show her. Christine stated she did not feel comfortable going to his apartment. Toback said that if she came upstairs, they could call one of his very famous friends. Toback assured Christine he knew exactly where the script was, and they would not stay in his apartment for long. As Toback and Christine stepped off the elevator, he put Christine on the phone with his famous friend for a brief conversation.

133. Once inside the apartment, Christine sat on a chair close to the front door. Defendant Toback began to pace and act strangely. He could not locate the script he had promised was in the apartment, and Christine decided to leave without saying goodbye. Toback followed her. Just as Christine reached the elevator, she turned around and saw that Toback was right behind her.

134. Defendant Toback pinned Christine against the elevator with the weight of his body. His hands were in his pockets. He put his face very close to Christine's face and asked if she had ever looked into someone's eyes while they were ejaculating. Christine shook her head silently, unable to speak. Though initially she thought Toback's hands were in his pockets, Christine realized he was masturbating. He did not release Christine until the elevator arrived, when he finally took his body of hers and backed away. The front of Toback's pants were soaked with semen.

135. Defendant Toback and Christine both stepped into the elevator. They did not speak again. Toback did not even look at Christine, exiting the elevator before her and walking out into the street as if nothing had happened.

136. As a result of the aforementioned conduct, Christine suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

137. Christine Hudman's claim is timely brought pursuant to CPLR § 214-j.

138. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Christine Hudman's claim.

E. Defendant Toback's Abuse of Plaintiff Adrienne LaValley

139. In or about October of 2006, when Adrienne LaValley was approximately 24 years old, Defendant Toback sexually assaulted and sexually battered her.

140. Defendant Toback approached Adrienne at a CVS store and told her he was an award-winning director. He insisted that she should look him up right then. Adrienne did as he asked and realized he was a legitimate filmmaker. Toback told Adrienne he never did this, but he had an amazing feeling about her, so he asked her to call him the next day to discuss a role for Adrienne in his latest film.

141. Defendant Toback met with Adrienne twice under the guise of discussing the professional opportunity. On the first occasion, they met at a restaurant. On the second occasion, they met for lunch at the Harvard Club, where Toback insisted they needed to have some sort of audition as soon as possible because his film was going to start shooting soon. Toback stated that he hated traditional auditions, but he wanted to cast Adrienne in a film. However, Toback claimed he first needed to "grill her" to see if she was able to handle the role he wanted to give her and to

assess how comfortable Adrienne would be on a film set. Toback then asked Adrienne if she would be willing to fly out to Los Angeles with him to be totally “immersed” with him for 2-3 days, but she refused. Instead, Toback asked Adrienne to meet him at the Wales Hotel later that evening. There, Toback promised they could further discuss her role, her career, and have an “audition” of sorts.

142. At the hotel, Defendant Toback asked Adrienne to remove her clothes so he could see her body. Adrienne refused and Toback began berating her, alleging she was not serious about acting. He claimed Adrienne was immature and he could not trust her to be in his film if he could not see her body and assess how comfortable she would be on set.

143. Adrienne succumbed to the pressure and removed her clothes. Defendant Toback approached her and pressed his crotch on her leg. Adrienne remained nude and vulnerable the rest of the evening while Toback talked at length about himself and what it took to make it in the movie industry. Toback told Adrienne that he needed to orgasm at least 7 times a day. While staring at Adrienne’s naked body, Toback told her that she had no idea how important he was in her life and that “[she] might as well call him Jesus because he was going to be [her] creator.” Then Toback began humping Adrienne’s leg until she jerked away and stood up. Toback ordered Adrienne to sit back down because he needed to see something. He then stared at her and ejaculated in his pants.

144. Defendant Toback then insisted that Adrienne keep drinking the wine he had ordered to the room. Adrienne obliged as Toback upped the façade, telling Adrienne that he absolutely could not trust her to be intimate in a love scene in front of a crew unless Toback heard her orgasm first. Toback mentioned a well-known actress that allegedly had no problem doing that for him and had even gotten in the shower and orgasmed with the shower head so Toback could

hear her. He pointed to the shower head in the room and claimed, “she orgasmed right here in this room with that shower head right there.” Toback continued to belittle Adrienne for refusing him and told Adrienne she was not cut out to be a serious actress. Toback claimed he needed to perform oral sex on Adrienne so he could see how she would be in that type of scene. He then pressed his mouth on Adrienne’s vagina and performed oral sex.

145. When he was done, Defendant Toback commended Adrienne for performing very well. He said he would call her the next day and be in touch about the project. Adrienne put her clothes back on and left.

146. Defendant Toback led Adrienne to believe, and she did believe, Toback was a powerful man with powerful connections. Toback had frequently mentioned a famous boxer to Adrienne, claiming he and the boxer had killed someone together. According to Toback, he and the boxer were great friends and the boxer would do anything Toback asked him to do. Toback talked in graphic detail about stabbing people, describing to Adrienne the feeling of the blade going through the bone and muscle.

147. As a result of the aforementioned conduct, Adrienne suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

148. Adrienne LaValley’s claim is timely brought pursuant to CPLR § 214-j.

149. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Adrienne LaValley’s claim.

F. Defendant Toback’s Abuse of Plaintiff Jolene Hayes

150. In or about the spring of 1979, when Jolene Hayes was approximately 30 or 31 years old, Defendant Toback sexually assaulted and sexually battered her.

151. Defendant Toback approached Jolene after a filmmaking class and asked her on a date to the Harvard Club. Jolene accepted the invite.

152. When they met at the Harvard Club, Defendant Toback showed Jolene the different rooms inside. It was about 9:30 PM when Toback took Jolene to the dining room, which was shut down and dark by that time. Toback stopped in the middle of the room and began to take his clothes off. He fondled Jolene, unbuttoned his shirt, and ordered her to squeeze his nipples. Toback unzipped his pants and told Jolene to masturbate him, but he then started masturbating himself. He demanded Jolene squeeze his nipples harder and then ejaculated onto her and the dinner table he was pressing her up against.

153. As a result of the aforementioned conduct, Jolene suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

154. Jolene's claim is timely brought pursuant to CPLR § 214-j.

155. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jolene's claim.

G. Defendant Toback's Abuse of Plaintiff Osa Wallander

156. In or about 1995, when Osa Wallander was approximately 21 or 22 years old, Defendant Toback sexually assaulted and sexually battered her.

157. Defendant Toback approached Osa and her friend outside of a post office and asked if they were actresses. Osa's friend told Toback that Osa was an actress. Toback told Osa to go to Barnes and Noble to research who he was, mentioning that he had worked with many famous actors. Under the guise of discussing a professional opportunity, Toback encouraged Osa to call him about a role he thought she was just right for.

158. Defendant Toback and Osa met for lunch twice. At the second lunch, Toback stated

he needs his actors to be brave and push boundaries. He spoke about nudity and how much artistic dignity he brought to the nudity in his films. Toback expressed to Osa that he was not sure if she was ready to be a “star” or if she had what it took, but he said there was just something about her that made him feel like he needed to give her a chance.

159. Defendant Toback arranged his third meeting with Osa at a hotel in downtown New York City where he claimed he met with many actresses. He told Osa that he wanted to show her some of his work so that she could prepare for the audition he had promised her. Osa thus accompanied Toback up to his room.

160. There, Defendant Toback reiterated the nudity required for the role Osa would be auditioning for and said he wanted to make sure she had what it took. Toback wanted to know whether Osa was willing to get naked for the audition. Osa said she would not have a problem with the nudity the role required, but Toback asked her to prove it by taking her shirt off. Osa did so. Then Toback told Osa to sit down. He kneeled in front of her and began rubbing his genitals against her leg. He instructed Osa to look into his eyes and squeeze his nipples while he humped her leg, which she did until Toback ejaculated against her leg. Osa quickly dressed and left the room.

161. Defendant Toback called Osa about two days later and asked to meet again. Osa informed Toback that she was no longer interested in the role and was not okay with the nudity. Toback yelled at her and told her every actress that wants to make it in Hollywood has had to get naked for a role, and that if Osa was not willing to do this she would never make it.

162. As a result of the aforementioned conduct, Osa suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

163. Osa Wallander’s claim is timely brought pursuant to CPLR § 214-j.

164. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Osa Wallander's claim.

H. Defendant Toback's Abuse of Plaintiff Leigh Eck

165. In or about July 2005, when Leigh Eck was approximately 24 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

166. Defendant Toback approached Leigh on the street in New York City and asked her if she was an actress, stating she looked familiar. Leigh told him that she was, and Toback mentioned he had seen her work and thought she was very good in it. He then invited Leigh to his apartment under the guise of discussing a screenplay and professional opportunity.

167. Once they arrived at his apartment, Defendant Toback showed Leigh a documentary about his own career. He proceeded to describe his life, claiming he was sexually abused as a child. He shared his philosophy on sex and explained to Leigh in graphic detail what other actors, including several A-listers, had done with him sexually to prove their vulnerability and comfort with expressing themselves sexually. Toback asked questions about Leigh's sexual history, sexual interests, her pubic hair, and sexual insecurities. When Leigh declined to answer some questions, Toback told her she was being selfish. Throughout the conversation, Toback placed himself between Leigh and the door. He bragged that he had ties to the mafia and that he had personally killed and buried someone before and even offered to have someone killed for Leigh.

168. Defendant Toback requested Leigh prove herself sexually to him in various ways including masturbating in front of him, letting him touch her genitals, getting naked, or taking a shower while he watched. Leigh declined, though terrified at the thought of disappointing or angering Toback. But Toback was relentless in pushing Leigh, belittling and demeaning her and accusing her of being selfish, prudish, and too timid to be successful in the entertainment industry.

169. Finally, Defendant Toback suggested Leigh should prove herself to him and let him hump her leg until he ejaculated. He knelt on the floor in front of Leigh and straddled her shin. His groin and genitals were pressed firmly against Leigh's leg. He instructed her to stare into his eyes and squeeze his nipples as he humped her leg. Toback placed Leigh's fingers directly on his nipples and then humped her leg until he ejaculated against it.

170. When he was done, Defendant Toback told Leigh she had done well and that he would call her about the role.

171. Toback continued to call Leigh and told her he was going to put her in his movie. As a result, Leigh agreed to meet Toback at a restaurant to discuss the role he was considering for her. At dinner, Toback told Leigh that he had not slept since they last met and that he had been writing and masturbating non-stop based on their previous encounter. Toback then drifted in and out of sleep at the table, snoring in the middle of the restaurant, further humiliating Leigh.

172. After that dinner, Leigh refused to answer Toback's phone calls. Nevertheless, he continued to call and leave messages criticizing and belittling Leigh.

173. As a result of the aforementioned conduct, Leigh suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

174. Leigh Eck's claim is timely brought pursuant to CPLR § 214-j.

175. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Leigh Eck's claim.

I. Defendant Toback's Abuse of Plaintiff Sunny Vidrine

176. In or about the late 1990s, when Sunny Vidrine was in her early 20s, Defendant Toback sexually assaulted and sexually battered her.

177. Defendant Toback approached Sunny on the subway and told her she was just right for a role in his new movie. He asked her to meet with him so they could discuss the details of a professional opportunity.

178. Defendant Toback and Sunny met for dinner, during which Toback shared explicit stories about his sexual encounters with Hollywood celebrities. He offered to walk with Sunny after dinner to get a cab and then suggested they talk about the role on a park bench. In response to Sunny's reluctance, Toback apologized for the sexual conversation and promised to keep the conversation professional.

179. After some conversation, Defendant Toback suggested they play a trust game. He commented that he could tell Sunny was weary, but she had to trust him if they were going to work together. Toback knelt in front of Sunny and pressed himself against her leg. He unbuttoned his shirt, and as Sunny objected, Toback began twisting his nipples and rubbing himself against Sunny. When Sunny expressed that she was uncomfortable with what Toback was doing, and that it felt like he was using her leg to get off, he claimed she was crazy if she thought she was special enough for him to get off that easily with her. Toback then ejaculated while humping Sunny. When Toback stood up, there was a large wet spot on his pants around the crotch. Sunny left as quickly as possible.

180. Defendant Toback called Sunny that night. She told him to leave her alone. He yelled at her, called her names, and claimed she did not have what it took to be in a movie. Toback also threatened that Sunny would never work in the film industry again.

181. As a result of the aforementioned conduct, Sunny suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

182. Sunny Vidrine's claim is timely brought pursuant to CPLR § 214-j.

183. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Sunny Vidrine's claim.

J. Defendant Toback's Abuse of Plaintiff Frances Wilson

184. In or about November of 1985, when Frances Wilson was approximately 35 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

185. Defendant Toback approached Frances while she was walking down the street. He followed her from a cab and called out repeatedly that she was exactly who he had been looking for to fill a particular role in an upcoming movie. He began showing Frances papers out of the cab window and insisted she speak to him. A short while later, Toback got out of the cab and mentioned his office was nearby. Under the guise of discussing a professional opportunity, Toback pleaded with Frances to go with him and just take a look at the script. Frances finally agreed.

186. Defendant Toback took Frances to a large, empty office. He guided her into a dark office within, again insisting that Frances was perfect for the role. He told Frances to make herself comfortable while he retrieved a copy of the script.

187. When Defendant Toback returned, he closed the door and blocked it with his body. He began asking Frances what kind of actress she was and claimed he needed to know how inhibited she was. He then instructed Frances to pinch his right nipple. He became aggressive, demanding she look at him and trust him, because he needed her trust in order to be her director. Toback began rubbing his crotch against Frances's leg, stating, "Don't worry, I'll come in my pants." Toback had an erection and began rubbing against Frances's leg more furiously. After Toback finished, he abruptly left. Frances fled the office, terrified at what she had just experienced.

188. As a result of the aforementioned conduct, Frances suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

189. Frances Wilson's claim is timely brought pursuant to CPLR § 214-j.

190. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Frances Wilson's claim.

K. Defendant Toback's Abuse of Plaintiff Meaghan Farrell

191. In or about 1999, when Meaghan Farrell was approximately 18 or 19 years old, Defendant Toback sexually assaulted and sexually battered her.

192. Defendant Toback approached Meaghan at a McDonald's while she was there with a classmate. At the time, Meaghan was a student at the American Musical and Dramatic Academy. Toback told Meaghan he was going to put her in his next movie because she was just the person he had been looking for. They exchanged numbers under the guise of discussing the professional opportunity.

193. Defendant Toback called Meaghan over the course of about two weeks to "interview" her for the role. He asked invasive questions, including whether she was a virgin and how long her pubic hair was. He asked Meaghan to come to his studio and workspace, to which she eventually agreed. Meaghan took a classmate with her to the first meeting with Toback, which occurred without incident.

194. Meaghan attended her second meeting with Defendant Toback alone at his workspace. He asked her to sit next to him on a rolling office chair. He showed her a movie scene from one of his films on a computer screen. Toback then unbuttoned his shirt and rolled Meaghan's chair closer to him, positioning her knees in between his legs. Toback placed Meaghan's hands on his nipples and instructed her to squeeze them. He began to rub himself on her knee until he

ejaculated. Meaghan left shortly afterwards.

195. As a result of the aforementioned conduct, Meaghan suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

196. Meaghan Farrell's claim is timely brought pursuant to CPLR § 214-j.

197. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Meaghan Farrell's claim.

L. Defendant Toback's Abuse of Plaintiff Sarah MacKay

198. In or about 2004 and 2005, when Sarah MacKay was approximately 20 and 21 years old, Defendant Toback sexually assaulted, and sexually battered her.

199. In the spring of 2004 Defendant Toback approached Sarah on the street in New York City, stating he felt "compelled" to speak to her. He said he could tell Sarah was an actress and wanted to discuss an opportunity with her because she was "perfect" for a role he was casting. Defendant Toback showed Sarah his industry guild identification card and even went to a Kinko's to print off articles about himself to prove he was a legitimate filmmaker. Under the guise of further discussing the opportunity, Toback arranged to meet with Sarah in the lobby of her dorm. At the time, Sarah was a student at the American Musical and Dramatic Academy.

200. Toback called Sarah several times after their meeting and she met with Defendant Toback at least one more time in 2004 before she returned home for the summer.

201. One night, Defendant Toback took Sarah to dinner at a restaurant on the upper east side. Sarah thought this was her "big break" and that her interactions with Toback were for the purposes of discussing an opportunity and getting to know Sarah further as an actress. After leaving

the restaurant together, Toback called a famous actor and put him on the phone with Sarah, further convincing Sarah of his status in the industry and the opportunity in front of her.

202. After she returned home from New York, Toback kept in contact with Sarah and offered to fly her to New York in September of 2004. Toback even spoke to Sarah's mother on the phone, convincing her of his legitimacy and the opportunity he was offering Sarah.

203. In or around September 2004, Sarah flew to New York to meet with Toback. Toback took Sarah to see the movie *When Will I Be Loved*. After the movie, Toback suggested they go back to the hotel to discuss Sarah's role. There, Toback shared a story with her about locking himself in a hotel room for two days with a famous actress so the actress could be completely raw and sexual with him, and by the end, they had fleshed out a complete role for the actress. Toback then stated he needed Sarah to do something similar because it was a part of his process, and he needed to know if Sarah was serious about the opportunity. He assured Sarah it was all part of the creative process, and she would need to be open to a lot if she wanted to be an actress. Toback asked her to sit on the bed and assured her they would stay fully clothed. Toback knelt before Sarah and began rubbing his penis against her leg until he ejaculated. He left the room after telling Sarah she seemed perfect for the role, and they should meet again when she returned to New York for school.

204. Defendant Toback continued to speak with Sarah. He shared deeply personal and sexual details about his life. He also spoke about his family, including his wife and girlfriend that he claimed did not know about each other. He shared that he needed to ejaculate at least six times a day and that he wanted to commit suicide on camera after he became too old to ejaculate daily.

205. In or about February of 2005, Defendant Toback and Sarah met at his mother's apartment, the Majestic. There, Toback asked Sarah to remove her clothes. He pinned her arms to the chair she was sitting in and grinded his penis against her leg until he ejaculated in his pants.

206. Sarah eventually moved out of New York. Defendant Toback was still in touch and claimed he was still developing her movie role. In December of 2005, he once again offered to fly Sarah to New York for a short visit to further discuss the opportunity. When Sarah arrived, Toback pressed her to be more open and get creative to earn his trust and convince him that she was serious about being an actress. He reminded Sarah about the actress that had stayed with him in a room for two days. He also reminded Sarah about a classmate of hers that Toback was also seeing, encouraging Sarah to compete with her classmate sexually. For example, Toback told Sarah that her classmate was "so much more open" to his process than Sarah was, and that the two of them did "way more" sexually than Toback and Sarah had ever done, and that it would be tough for Toback to cast Sarah if she didn't open herself up more to him.

207. Sarah refused to have sex with Toback or touch him sexually. He told Sarah he would not want to have sex with her unless she was begging him for it. Nonetheless, Toback expressed that he had flown Sarah to New York for a work opportunity, and she still needed to convince him that she was serious. Sarah ultimately removed her clothes and masturbated on the bed while Toback watched. He then instructed Sarah to sit on the bed, and Toback began grinding his penis against her leg. He asked Sarah to twist his nipples. Sarah refused to let Toback touch her breasts, so he stuck his arms in her armpits and licked his fingers until he ejaculated.

208. Throughout their interactions, Defendant Toback implied in multiple ways that he was a dangerous, violent person and had committed atrocities on others. He bragged about how he was connected to the "mob" and how, back when he was a student at Harvard and played for the

basketball team there, that he'd throw games for the "mob." Defendant Toback told Sarah he has used the "mob" to go after people who were threatening him to get them to "shut up or be silenced." Defendant Toback also told Sarah that he once beat some guy over the head with a baseball bat and "left him as a bloody pulp."

209. As a result of the aforementioned conduct, Sarah suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

210. Sarah MacKay's claim is timely brought pursuant to CPLR § 214-j.

211. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Sarah MacKay's claim.

M. Defendant Toback's Abuse of Plaintiff Marianne Hettinger

212. In or about July and August of 1988, when Marianne Hettinger was approximately 25 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

213. In or about June 1988, Defendant Toback approached Marianne on the street and told her he was a film director. He wanted to cast Marianne in his film and showed her his Directors of America card to prove his legitimacy. Under the guise of discussing a professional opportunity, Toback invited Marianne to his hotel, where she sat in the lobby as he brought some materials down to show her. The following day, Marianne arrived on the set of Toback's new film, *Big Bang*, where Toback interviewed her and put her in his movie.

214. In or about June or July 1988, Defendant Toback invited Marianne to his apartment. He promised Marianne she could play the lead in his next film but told her that he first needed to open up to her and that he wanted her to be open with him too so there would be trust. He also told Marianne that he wanted her to get in touch with her vulnerability. At some point during the conversation, Toback described in graphic detail to Marianne how he had bashed a man's head in

with a baseball bat and that he had connections to the “mob.” Toback then shared with Marianne that he had to ejaculate 15 times a day to function. Uncomfortable, Marianne said she needed to leave. Defendant Toback blocked the door and said he had to see if Marianne could “go there” if she did a love scene in his movie and that she had to be completely open without any inhibitions if she wanted to star in his film. He told Marianne the stars he worked with in his films had this abandon in their work and were sexually totally free. He said he could create a lead role for Marianne and that they needed to be sexually open and brave together. He grabbed Marianne and held her tightly as he masturbated and stared into her eyes. He ejaculated in his pants and then grabbed Marianne’s hand and forced her to stroke his penis.

215. He then forced himself on Marianne, opened his shirt, forced one of her hands on his chest and told her to rub and twist his nipples and then forced her other hand on top of his pants over his erect penis. He held on to Marianne so tightly that she couldn’t escape. Marianne asked Toback to “please stop” and to let go. Defendant Toback got angry and said he wasn’t finished and kept going. He instructed Marianne to look in his eyes, humped her leg and grunted as he ejaculated in his pants, breathing in her face and staring in her eyes. Toback told Marianne that this was his “process” as a director and creator of movies and not to talk about it and gossip. After he was done Marianne gathered her belongings and left.

216. On or about August 12, 1988, Defendant Toback told Marianne he was developing the script for her and invited Marianne to his apartment. Marianne went to the apartment, expecting to discuss the script and hoping to get paid for previous acting work she had done for Toback. While there, the conversation quickly turned sexual and Toback tried to sexually abuse Marianne. This time, Marianne ran away, but Toback followed her. Marianne pushed the elevator buttons to get away, but the elevator did not arrive in time. Toback slammed Marianne against the wall and

pushed his entire body weight on her as he masturbated up against her again and didn't stop until he had ejaculated in his pants. Marianne was scared Toback would kill her if she didn't acquiesce.

217. As a result of the aforementioned conduct, Marianne suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

218. Marianne Hettinger's claim is timely brought pursuant to CPLR § 214-j.

219. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Marianne Hettinger's claim.

N. Defendant Toback's Abuse of Plaintiff Nicole Hodges

220. In or about November of 2007, when Nicole Hodges was approximately 22 years old, Defendant Toback sexually assaulted and sexually battered her.

221. Defendant Toback approached Nicole on the street and asked her if she was an actress, stating she was one of the most stunning women he had ever seen. He revealed he was a filmmaker who liked finding new, young, and beautiful talent. In response to Nicole's skepticism, Toback pulled out three DVDs of his own films. He asked Nicole to watch the movies, which would prove he was a legitimate director. Then, under the guise of discussing a professional opportunity, Toback exchanged numbers with Nicole, and they planned to meet for coffee.

222. Defendant Toback asked Nicole to meet with him in the first week of November. Nicole believed they were meeting at a coffee shop or restaurant, but Toback led her to the Harvard Club. Toback claimed they could not stay downstairs because Nicole was wearing jeans, so they would have to go upstairs to talk. He took Nicole to a room. Nicole told Toback she was not going to sleep with him, but Toback assured her they were just going to talk. He instructed Nicole to sit on the bed while he sat on a chair and told her stories about him having sex and going to sex

parties. He shared sexual stories involving other celebrities, including actresses Toback claimed to have had sex with. He then told Nicole he wanted to help her have an illustrious career like the other actresses he slept with. But, he stated he could only help Nicole if she treated him as her “God,” giving him authority over her auditions and jobs, and putting him before anyone else. Toback further claimed Nicole would never have a career or “make it” in the film industry if she was not willing to do what directors wanted.

223. Nicole reiterated that she was not going to have sex with Toback. Toback assured her she did not have to. Instead, he claimed he connected with his actresses by looking into their eyes while they orgasm, regardless of how or with whom they chose to orgasm.

224. Nicole did not give in, so Defendant Toback changed course. He told her he would still help her get roles, but they first needed to talk about her body. He asked Nicole to remove her clothes and stand on the bed so they could assess where her body was at and what they needed to do with it. Nicole obliged. When Nicole covered her body, Toback commented that she was a beautiful woman with a beautiful body. He instructed her to spin around slowly. When Nicole came down from standing on the bed, Toback prevented her from retrieving her clothes. He had her sit on a chair and he knelt in front of her. Toback grabbed Nicole’s leg and pushed his penis against her shin. He humped Nicole’s leg while staring into her eyes. For several minutes, Toback increased speed and pushed harder until he ejaculated in his pants. He finally told Nicole she could leave and that he would call her later.

225. As a result of the aforementioned conduct, Nicole suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

226. Nicole Hodges’s claim is timely brought pursuant to CPLR § 214-j.

227. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Nicole Hodges's claim.

O. Defendant Toback's Abuse of Plaintiff Kandiss Troy

228. In or about the spring or summer of 2001, when Kandiss Troy was approximately 22 or 23 years old, Defendant Toback sexually assaulted, and sexually battered her.

229. Defendant Toback approached Kandiss on the street in New York City. He had been following Kandiss as she walked to the subway. Toback stopped her and complimented her beauty. He mentioned he was a director and described some of his accolades. Under the guise of discussing a professional opportunity, Toback asked Kandiss to accompany him to his apartment.

230. At his apartment, Defendant Toback gave Kandiss a brief tour and then led her to his bedroom. He asked Kandiss to sit on the bed. Toback unzipped his pants and began to masturbate while squeezing Kandiss's shin. Kandiss stood up to leave while Toback was still staring at her and masturbating. Toback begged her to stay, but Kandiss left.

231. As a result of the aforementioned conduct, Kandiss suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

232. Kandiss Troy's claim is timely brought pursuant to CPLR § 214-j.

233. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Kandiss Troy's claim.

P. Defendant Toback's Abuse of Jane Doe 1

234. On or about August 4, 1997, when Jane Doe 1 was approximately 28 years old, Defendant Toback sexually assaulted and sexually battered her.

235. On or about July 27, 1997, Defendant Toback approached Jane Doe 1 as she was walking down the street. He baited her interest by telling her he had just finished the movie *Two Guys and a Girl* with Robert Downey, Jr.

236. On or about August 3, 1997, Defendant Toback called Jane Doe 1. The call was unsettling. Toback described his sexual history and then inquired into Jane Doe 1's sexual history. He asked questions about her pubic hair. Toback stated he had lost track of how many people he had had sex with by the time he was 11 years old. He further added that he had continually fathered children since he was 14 years old.

237. On or about August 4, 1997, under the guise of discussing a professional opportunity, Defendant Toback arranged a meeting with Jane Doe 1 at a restaurant. He continued the sexual conversation and then asked Jane Doe 1 if he could come to her house. He knew Jane Doe 1's roommate was not home. He said he wanted to show Jane Doe 1 part of the script for *Harvard Man*, in which he wanted to cast Jane Doe 1 as the lead.

238. Once he arrived at Jane Doe 1's house, Defendant Toback began making inappropriate requests. Toback told Jane Doe 1 that he wanted her to have an orgasm by any method of her choice, but to look into his eyes as she did. Jane Doe 1 felt uncomfortable with this request. Toback then had Jane Doe 1 sit in a chair as he knelt down in front of her. He moved Jane Doe 1's shins between his legs and pressed his groin against her legs.

239. Defendant Toback asked Jane Doe 1 to rub his nipples while looking into his eyes. He told Jane Doe 1 that he could orgasm without contact. Toback then began humping Jane Doe 1's shin. He grabbed her upper thigh and made a loud moaning sound.

240. Before Defendant Toback assaulted Jane Doe 1, he told her during conversation that he knew people who could kill other people. After the assault, Toback held up his finger and

warned Jane Doe 1 not to say anything about what had happened and not to use it for gossip. Jane Doe 1 understood that he was telling her stay silent.

241. As a result of the aforementioned conduct, Jane Doe 1 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

242. Jane Doe 1's claim is timely brought pursuant to CPLR § 214-j.

243. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 1's claim.

Q. Defendant Toback's Abuse of Jane Doe 2

244. In or about 1998, when Jane Doe 2 was approximately 29 years old, Defendant Toback sexually assaulted and sexually battered her.

245. Defendant Toback approached Jane Doe 2 as she was walking down the street. He had been following Jane Doe 2 for several blocks. He told Jane Doe 2 she would potentially be a great fit for a character he was developing for a new movie. Toback added that he liked to pluck "unknowns" from the real world along with the big names he works with. Under the guise of discussing a professional opportunity, Toback gave Jane Doe 2 his number and urged her to call him.

246. Jane Doe 2 researched Defendant Toback and realized he was a legitimate filmmaker. She called Toback one to two days later, and they met at Central Park. Toback frequently mentioned Hollywood names and that it was important for his creative process to get to know the "unknowns" he finds so that he could figure out how to write them into a story. Toback asked Jane Doe 2 to go to hotel room with him on Central Park South for a screen test but then changed his mind.

247. About four days later, Defendant Toback asked Jane Doe 2 to meet him for dinner. Jane Doe 2 arrived on time, but Toback arrived nearly an hour late. He informed Jane Doe 2 he had been watching her through the front window of the restaurant to see how she interacted with people naturally. He claimed this too was part of his creative process.

248. Defendant Toback eventually told Jane Doe 2 he needed to take her to his apartment so they could further discuss the role he had envisioned for her. There, he led Jane Doe 2 into the bedroom. He asked her to lie down on a chaise while he sat on the bed. He expressed that he wanted to get to know Jane Doe 2 now that she was in a relaxed position. Toback asked Jane Doe 2 about her relationship with her father and then her romantic relationships. He wanted details on the sexual aspects of the romantic relationships, again claiming that the conversation was helpful for him to determine a suitable role for Jane Doe 2.

249. Next, Defendant Toback asked Jane Doe 2 whether she masturbated and asked for details. He instructed her to move to the bed and sit beside him. He told her to show him some sultry acting and sexy bedroom eyes. Jane Doe 2 showed him the bedroom eyes he asked for.

250. Then Defendant Toback told Jane Doe 2 to straddle his leg. Jane Doe 2 was hesitant, so Toback changed tactics. He stated the role he envisioned for Jane Doe 2 would require her to reach down a man's shirt and rub his nipple, so he needed Jane Doe 2 to unbutton his shirt. She unbuttoned a few buttons and reached into Toback's shirt. Toback instructed her to touch his nipples, and Jane Doe 2 did so briefly. She then informed Toback the current situation was not right and that she was leaving. Toback warned Jane Doe 2 that she was making a big mistake and that she would regret it because such opportunities were rare. He continued to berate Jane Doe 2 as she left.

251. Jane Doe 2 remained horrified at the incident for years, not just because it happened, but because she was terrified that Defendant Toback had filmed the entire event. She lived with the fear for years that one day the video would be exposed to the world.

252. As a result of the aforementioned conduct, Jane Doe 2 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

253. Jane Doe 2's claim is timely brought pursuant to CPLR § 214-j.

254. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 2's claim.

R. Defendant Toback's Abuse of Jane Doe 3

255. In or about September of 2006, when Jane Doe 3 was approximately 24 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

256. Defendant Toback approached Jane Doe 3 on the street, telling her there was something special about her and asking if she was an actress. Jane Doe 3 responded that she was, and Toback gave her his card. Under the guise of discussing a professional opportunity, Toback arranged to meet Jane Doe 3 for dinner.

257. During dinner, Defendant Toback described all the movies he had worked on and then asked Jane Doe 3 to go with him to his "office." Once there, Jane Doe 3 realized it was less an office and more a bedroom. The only place to sit was the bed.

258. Defendant Toback began expressing to Jane Doe 3 how special she was, revealing he had been masturbating while thinking about her just from seeing her on the street earlier. He asked Jane Doe 3 if she trusted him because trust was essential if they were going to work together. Toback then asked Jane Doe 3 to take off her pants because he wanted to see her vagina. Jane Doe 3 refused and tried to leave. Toback stood between Jane Doe 3 and the door and continued to ask

her to trust him. He reiterated that he wanted her to star in a movie, but it would not work if she did not trust him completely. He added stories about other Hollywood stars he had slept with or who had watched him have sex with other people.

259. Feeling threatened, Jane Doe 3 finally told Defendant Toback she trusted him. During the conversation, Toback began to rub his crotch over his clothes and continued to mention how horny Jane Doe 3 made him. He then humped Jane Doe 3's leg until he ejaculated in his clothes.

260. Defendant Toback called Jane Doe 3 about two times after the assault, but she refused to meet with him again.

261. As a result of the aforementioned conduct, Jane Doe 3 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

262. Jane Doe 3's claim is timely brought pursuant to CPLR § 214-j.

263. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 3's claim.

S. Defendant Toback's Abuse of Jane Doe 4

264. In or about 2008, when Jane Doe 4 was approximately 22 years old, Defendant Toback sexually assaulted and sexually battered her.

265. Defendant Toback approached Jane Doe 4 while she was working at a Starbucks. He told Jane Doe 4 that she was special and that he would like to write a script for her.

266. In or about November or December 2008, under the guise of discussing a professional opportunity, Defendant Toback arranged a meeting with Jane Doe 4 at the Harvard Club. He took Jane Doe 4 upstairs to a room for some "role play." The "prompt" Toback gave Jane Doe 4 was to imagine she was alone in the room with a penis and tell him what she would do

to it. After the role play, Toback interviewed Jane Doe 4 about her sexual history, requesting details about each person with whom Jane Doe 4 had been intimate.

267. Defendant Toback then asked Jane Doe 4 to masturbate for him. Jane Doe 4 refused. Toback began pressuring Jane Doe 4 to engage in some other kinds of sexual acts. Jane Doe 4 reluctantly performed a striptease. He then instructed Jane Doe 4 to sit on a chair and stretch her leg out. He demonstrated for Jane Doe 4 exactly how he wanted her leg positioned: straightened out, heel digging into the ground, the entire leg flexed and stiffened. He leaned up against her leg and told Jane Doe 4 to massage his nipples. He instructed Jane Doe 4 to look into his eyes to see the “loss of self.” Toback rubbed his genitals against Jane Doe 4’s legs until he ejaculated with his pants on but made her rub his nipples without his shirt.

268. In or about December 2008, Jane Doe 4 met with Defendant Toback at his deceased mother’s apartment, the Majestic. After conversation and many stories from Toback describing his famous connections, Toback asked Jane Doe 4 if she trusted him. Jane Doe 4 stated she did not, and Toback became angry. He said he could not work with someone who did not trust him. Toback then forced Jane Doe 4 to repeat “the act” from their last meeting, telling Jane Doe 4 to stretch her leg out. Toback rubbed himself against Jane Doe 4’s leg while she massaged his nipples. Toback finally ejaculated and Jane Doe 4 left.

269. Following the assault, Toback continued to send Jane Doe 4 sexually explicit text messages. He also continued to promise Jane Doe 4 that he was going to put her in one of his movies.

270. In 2013, Jane Doe 4 met Defendant Toback at a Starbucks to discuss one of her film projects. During their meeting, Defendant Toback immediately turned the conversation to sex. Defendant Toback told Jane Doe 4 that he would not let her leave until he masturbated and he

didn't want to make a scene. Defendant Toback leaned up against Jane Doe 4's knees and humped her until he ejaculated.

271. As a result of the aforementioned conduct, Jane Doe 4 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

272. Jane Doe 4's claim is timely brought pursuant to CPLR § 214-j.

273. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 4's claim.

T. Defendant Toback's Abuse of Jane Doe 5

274. In or about 1999 or 2000, when Jane Doe 5 was approximately 19 or 20 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

275. Defendant Toback approached Jane Doe 5 on the street and asked her if she was an actress. At the time, Jane Doe 5 was a student at the American Musical and Dramatic Academy. Toback shared that he was a director and writer, and he had a film called *Black and White* currently in theaters. He went on to show Jane Doe 5 his SAG card and a publication with his name and photo in it. Toback then mentioned Jane Doe 5 would be perfect for a role in a film he was working on. He gave Jane Doe 5 a script and told her to read it and watch *Black and White*. Under the guise of further discussing the professional opportunity, Toback arranged for Jane Doe 5 to meet him at a restaurant that evening.

276. Over dinner, Defendant Toback commented several times that he could really envision Jane Doe 5 in the specific role and that he had been looking for someone just like her. After dinner, Toback asked Jane Doe 5 to go back with him to his "office" and read for him.

277. Defendant Toback took Jane Doe 5 to an apartment. He told Jane Doe 5 that in order to be good behind the camera, they had to really know each other and have a special

relationship. Toback then asked Jane Doe 5 to do something that felt sexual but also brave at the same time. Toback waited in the bedroom and told her to walk in when she was ready. In response to his prompt, Jane Doe 5 decided to take off her clothes and walk into the room and sing. When she walked in, Toback was laying on the bed. After Jane Doe 5 finished singing, Toback praised her bravery and then asked her why she shaved her pubic hair. Jane Doe 5 replied that she did not know and then quickly moved back into the other room to put her clothes on and leave.

278. Defendant Toback raced out to Jane Doe 5 and blocked the door. He told her she could not leave and to sit down. Jane Doe 5 asked to leave but Toback said no. He made her sit in a chair, knelt in front of her, and then started rubbing his crotch on Jane Doe 5's leg and knee. He demanded that Jane Doe 5 look into his eyes and not to stop looking. Jane Doe 5 refused, but Toback ordered her to stare and further instructed her to grab his nipples, which she did. Toback humped Jane Doe 5's leg until he ejaculated in his pants.

279. When Defendant Toback was finished, he warned Jane Doe 5 to never mention what had happened or she would never have a career in Hollywood. Jane Doe 5 assured Toback she would never tell and then ran out the door.

280. As a result of the aforementioned conduct, Jane Doe 5 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

281. Jane Doe 5's claim is timely brought pursuant to CPLR § 214-j.

282. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 5's claim.

U. Defendant Toback's Abuse of Jane Doe 6

283. In or about May of 1999, when Jane Doe 6 was approximately 25 years old, Defendant Toback sexually assaulted and sexually battered her.

284. Defendant Toback approached Jane Doe 6 on the street and introduced himself as a famous director. He then took her to a nearby newsstand to prove his identity. Jane Doe 6 was wearing a shirt that exposed her midriff, and Toback stated he loved the “treasure trail” of hair below her belly button. Under the guise of exploring a professional opportunity, Toback invited Jane Doe 6 to audition for one of his films, and she accepted.

285. The “audition” was at Defendant Toback’s office at 201 Varick Street in New York City. At the “audition” Defendant Toback showed Jane Doe 6 scenes from his movie *Black and White*. Defendant Toback then asked Jane Doe 6 to get naked and tell him a funny story. Jane Doe 6 recited an original story she had written while nude for Toback, after which he asked her to sit down on the couch. Jane Doe 6 put her underwear back on before sitting on the couch. Toback then humped Jane Doe 6’s leg and ejaculated in his pants.

286. Jane Doe 6 was afraid of what Defendant Toback would do if she told anyone what had happened, because before the incident, Toback told her he had killed his neighbor for turning him in for tax evasion.

287. As a result of the aforementioned conduct, Jane Doe 6 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

288. Jane Doe 6’s claim is timely brought pursuant to CPLR § 214-j.

289. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 6’s claim.

V. Defendant Toback’s Abuse of Jane Doe 7

290. In or about July or August of 1998, when Jane Doe 7 was approximately 23 years old, Defendant Toback sexually assaulted, and sexually battered her.

291. Defendant Toback approached Jane Doe 7 when she was walking down the street with her friends. He claimed she was the perfect image of who he was looking for in his new movie, *Black and White*. Toback encouraged Jane Doe 7 to look him up and confirm his identity, which she did. They then exchanged phone numbers, and under the guise of discussing a professional opportunity, Toback asked Jane Doe 7 to meet him at a nearby hotel at a certain time. Jane Doe 7 arrived at the hotel with her friends, but Toback stated he was in a meeting with a famous actor and told her to come back.

292. Jane Doe 7 later returned to the hotel with her friends. Defendant Toback asked her to come up to his room alone and shut the door. Jane Doe 7 sat down in an armchair, and Toback explained the movie to her and asked her some questions. Then Toback knelt in front of Jane Doe 7, pinning her down. He unbuttoned his shirt and explained that he needed to see Jane Doe 7's sexuality "come through" and assess how comfortable she could be as an actress. He asked her to squeeze and twist his nipples. Toback pressed his groin against Jane Doe 7's shin and began grinding against her. He told her to look into his eyes until he eventually ejaculated. When he was done, Toback went to the restroom and Jane Doe 7 took the opportunity to leave.

293. As a result of the aforementioned conduct, Jane Doe 7 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

294. Jane Doe 7's claim is timely brought pursuant to CPLR § 214-j.

295. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 7's claim.

W. Defendant Toback's Abuse of Jane Doe 8

296. In or about 1990, when Jane Doe 8 was approximately 26 or 27 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

297. Defendant Toback approached Jane Doe 8 on the street and admitted he had been watching her for the past 10 blocks. He said he wanted to cast her in a movie. Under the guise of exploring a professional opportunity, Toback met with Jane Doe 8 several times.

298. At one of these meetings, Defendant Toback began asking invasive questions, including whether Jane Doe 8 masturbated. Toback shared with Jane Doe 8 that he ejaculated many times a day just thinking of her. In response to Jane Doe 8's discomfort, Toback accused her of being a coward and claimed she was not ready to take on the work of a real actor if she was not willing to be open and vulnerable. Toback insisted he could not put Jane Doe 8 in front of a camera if she would not allow him to see who she truly was. He then expressed that a person could see the true soul of another through orgasm. Toback explained that he needed to ejaculate regularly to feed his creativity, about 7 to 9 times daily. He also shared stories about his connections with the "mob," that he had killed someone with a fork, and mentioned that his typist had been murdered. Soon after, as Jane Doe 8 was leaving, Toback leaned into her and put his hands against the wall on either side of Jane Doe 8 and instructed her to look into his eyes and touch his nipples. He then pressed up against Jane Doe 8 and humped her leg until he ejaculated in his pants.

299. On a subsequent occasion, Defendant Toback knelt in front of Jane Doe 8 and pressed his groin against her leg until he ejaculated.

300. As a result of the aforementioned conduct, Jane Doe 8 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

301. Jane Doe 8's claim is timely brought pursuant to CPLR § 214-j.

302. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 8's claim.

X. Defendant Toback's Abuse of Jane Doe 9

303. In or about 2004 and 2005, when Jane Doe 9 was in her early 20s, Defendant Toback sexually assaulted and sexually battered her.

304. On or about July 30, 2004, Defendant Toback approached Jane Doe 9 and told her that he wanted to write a part in a movie for her. He told Jane Doe 9 to follow him to a newsstand because he wanted to prove his identity. The store no longer sold the magazine he was looking for so he asked the clerk for an old copy of some well-known magazine. The clerk, as if rehearsed, quickly had the outdated copy readily available. Toback then proceeded to show Jane Doe 9 a photo of himself within an article about him being a movie director. Under the guise of discussing a professional opportunity, Toback gave Jane Doe 9 his phone number on a piece of newspaper and arranged to meet with Jane Doe 9 at a restaurant.

305. After they went to a restaurant, Defendant Toback told Jane Doe 9 he wanted her to audition for him at his studio. Once there, Jane Doe 9 learned the "studio" was actually Toback's home. Toback told Jane Doe 9 how special she was and that he could see inside her soul if he looked her in the eye while ejaculating. Toback also claimed this would inspire writing the part for Jane Doe 9 in his next movie. Toback then expressed he wanted to have sex with Jane Doe 9. She declined, so Toback insisted that Jane Doe 9 get naked and then he demanded to rub his genitals against her leg and that she pinch his nipples while he did so. Toback ejaculated into his pants and said he could now start writing the part for her. Toback similarly assaulted Jane Doe 9 several times between 2004 and 2005.

306. Defendant Toback continued to call Jane Doe 9 several times in the middle of the night wanting to talk dirty and telling her to masturbate so he could hear her having an orgasm. When she refused, Toback threatened that he would not write the part for her in his movie.

307. Early one morning, Jane Doe 9's boyfriend picked up the phone (suspicious of who was calling at 2am). Defendant Toback told her boyfriend that he drugged and then had sex with Jane Doe 9 several times and that he does that with all the girls he meets.

308. Defendant Toback also told Jane Doe 9 that he killed someone in his past.

309. The last time Jane Doe 9 met with Defendant Toback was at a hotel suite to discuss a new movie he was making. He kept ordering wine and made sure Jane Doe 9 kept drinking. Toback then insisted that she masturbate naked on the bed while he watched. When Jane Doe 9 refused, Toback named a well-known actress and claimed she had masturbated in front of an entire film crew in the shower. Toback stated Jane Doe 9 would never have an acting career if she was not also willing to do that. Jane Doe 9 still refused, so Toback expressed he wanted to smell her vagina instead because that would inspire his writing for the new film. Although she refused, Toback forced himself on her, using his legs and the weight of his body to open her legs. Then he grabbed Jane Doe's vagina with his hands saying he needed to smell her vagina so he could write the part for her. Toback then forced himself onto Jane Doe 9 and began sniffing her genitals. Jane Doe 9 pushed him away and ran out of the room.

310. A few years later, Jane Doe 9 ran into Defendant Toback again on the upper west side in New York City. Jane Doe's hair was much shorter compared to the first time she met him. Toback approached her and said, "Excuse me, are you an actress? Hi, my name is James Toback and I am a movie director..." Jane Doe 9 screamed at him to get away from her.

311. As a result of the aforementioned conduct, Jane Doe 9 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

312. Jane Doe 9's claim is timely brought pursuant to CPLR § 214-j.

313. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 9's claim.

Y. Defendant Toback's Abuse of Jane Doe 10

314. In or about October of 1988, when Jane Doe 10 was approximately 26 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

315. Defendant Toback approached Jane Doe 10 on the street and introduced himself as a film director. He commented that Jane Doe 10 had a certain look that was unique and beautiful. Jane Doe 10 kept walking and told him to leave her alone, but Toback was persistent and kept walking with her. He stated that he was a legitimate filmmaker and had discovered Nastassja Kinski. He showed Jane Doe 10 his Film Director's card. They then exchanged phone numbers under the guise of discussing a professional opportunity.

316. Defendant Toback invited Jane Doe 10 to the Harvard Club for lunch. During lunch, he shared a story about knowing Timothy Leary at Harvard. Toback also described how he became a pick-up artist while researching for his film of the same name. He asked Jane Doe 10 if she would like to audition for an upcoming film, and Jane Doe 10 asked to see the script. Toback suggested they go to his office because that is where he kept the script.

317. When they arrived at Defendant Toback's office, he avoided questions about the script, stating he wanted to talk more first. Toback brought Jane Doe 10 a soda and later left the room to bring her a refill. When he returned, Toback shut the door behind him and grabbed Jane Doe 10 forcibly. He told her he had to ejaculate many times a day and she was turning him on. He grabbed the back of Jane Doe 10's head and ordered her to look into his eyes. He held Jane Doe 10 against him with his other hand and began rubbing his genitals against her. He forced Jane Doe 10's hands under his shirt and instructed her to touch his nipples and pull on them. He continued rubbing his genitals against Jane Doe 10 until he ejaculated.

318. Defendant Toback abruptly released Jane Doe 10 and said, “Let’s get out of here” and “Let’s keep this to ourselves.”

319. As a result of the aforementioned conduct, Jane Doe 10 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

320. Jane Doe 10’s claim is timely brought pursuant to CPLR § 214-j.

321. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 10’s claim.

Z. Defendant Toback’s Abuse of Jane Doe 11

322. In or about the summer of 1999, when Jane Doe 11 was approximately 26 or 27 years old, Defendant Toback sexually assaulted and sexually battered her.

323. Defendant Toback approached Jane Doe 11 as she came out of a boutique and introduced himself. He stated that he was making a new movie and Jane Doe 11 would be perfect for the role of a drug addict. Jane Doe 11 told Toback she was an actor but asked him for a business card. Toback claimed he did not have one, but he listed several movies he had made with Robert Downey, Jr., and other movie stars. He encouraged Jane Doe 11 to call him once she confirmed who he was.

324. Jane Doe 11 eventually called Defendant Toback after determining that he was a legitimate filmmaker. Toback arranged to meet with Jane Doe 11 at her apartment the next day. Once there, he toured the apartment and assured Jane Doe 11 she was just right for the part in his movie. Toback left without incident. He called Jane Doe 11 a few days later and invited her to dinner. At dinner, they sat with several other people, one of which was a famous actor. After dinner, Toback told Jane Doe 11 he would call her soon.

325. Defendant Toback called Jane Doe 11, and under the guise of needing to discuss her role, he asked if he could come to her apartment. When he arrived, Toback asked to see Jane Doe 11's bedroom. He then stated that he needed to see Jane Doe 11's "soul" to ensure she could handle playing a drug addict. According to Toback, the best way for him to do this was for Jane Doe 11 to pinch his nipples while he ejaculated. Jane Doe 11 refused, but Toback was persistent. She touched his nipples for a few seconds as Toback began rubbing his penis against her leg and ejaculated. Jane Doe 11's roommate came home just then and Toback quickly left.

326. As a result of the aforementioned conduct, Jane Doe 11 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

327. Jane Doe 11's claim is timely brought pursuant to CPLR § 214-j.

328. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 11's claim.

AA. Defendant Toback's Abuse of Jane Doe 12

329. In or about the fall of 2002, when Jane Doe 12 was approximately 21 years old, Defendant Toback sexually assaulted and sexually battered her.

330. Defendant Toback approached Jane Doe 12 on the subway and asked her if she was an actress. He handed Jane Doe 12 a piece of paper with his name and number on it, encouraging her to look him up because he was a legitimate filmmaker. Jane Doe 12 told Toback she was not an actress but asked if he needed music for his new movie. Toback said yes, and under the guise of discussing a professional opportunity, he told Jane Doe 12 to call him so they could set up a meeting.

331. Defendant Toback and Jane Doe 12 subsequently met at a bistro where Toback spoke at length about himself and little about the proposed project—what would become the film

When Will I Be Loved. Toback asked if they could walk and talk, and they headed towards a park. It was getting dark as they sat down on a bench. Toback expressed to Jane Doe 12 that he would love nothing more than to masturbate while looking into her eyes. He knelt in front of her and began humping her leg until he ejaculated in his pants. Toback then walked Jane Doe 12 to the street and hailed her a cab. As he was putting her in the cab, Toback told Jane Doe 12 he knew people who could kill her if she ever mentioned the assault.

332. As a result of the aforementioned conduct, Jane Doe 12 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

333. Jane Doe 12's claim is timely brought pursuant to CPLR § 214-j.

334. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 12's claim.

BB. Defendant Toback's Abuse of Jane Doe 13

335. In or about 1998 or 1999, when Jane Doe 13 was in her early 20s, Defendant Toback sexually assaulted and sexually battered her.

336. Defendant Toback approached Jane Doe 13 on the street and asked her if she was an actor. He introduced himself and revealed to Jane Doe 13 that he was a well-known director. Toback proved his legitimacy by walking Jane Doe 13 to a kiosk and showing her a magazine with his picture. He claimed he was casting for the movie *Harvard Man*, and under the guise of discussing a professional opportunity, Toback invited Jane Doe 13 to his editing suite.

337. Jane Doe 13 accompanied Defendant Toback to his editing suite. There, she watched the editing process of Toback's film, *Black and White*. After it got dark and the other people in the office left, Toback put Jane Doe 13 in an empty room and gave her a script of *Harvard Man* to read. He came back into the room later and indicated that Jane Doe 13 needed to audition

for him. Toback instructed Jane Doe 13 to undress completely while he left the room, and when he came back in, he wanted her to move around the room and describe her sexual fantasies. Jane Doe 13 was not comfortable with this, and Toback claimed she was too repressed and not artistic, and that she needed to let go of her inhibitions if she wanted to be an actor. When Jane Doe 13 still refused to undress, Toback suggested they play a mirroring game instead. Jane Doe 13 agreed, but the “game” did not last long. Toback ordered Jane Doe 13 to look him in the eyes and he began to rub himself against her until he ejaculated. There was a stain on his pants, and he said, “Look what you made me do.” Jane Doe 13 left soon after. Toback called her the next day, but Jane Doe 13 did not return his call.

338. As a result of the aforementioned conduct, Jane Doe 13 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

339. Jane Doe 13’s claim is timely brought pursuant to CPLR § 214-j.

340. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 13’s claim.

CC. Defendant Toback’s Abuse of Jane Doe 14

341. In or about 1999 or 2000, when Jane Doe 14 was in her early 20s, Defendant Toback sexually assaulted and sexually battered her.

342. Defendant Toback approached Jane Doe 14 on the subway and asked her to audition for his new movie, *Harvard Man*. Under the guise of exploring the professional opportunity, Toback invited Jane Doe 14 to his hotel.

343. Jane Doe 14 did not want to go to Toback’s hotel room with him, where he told her auditions were conducted. To prove his legitimacy to Jane Doe 14, Toback called a famous actor on the phone. In the hotel room, Toback told Jane Doe 14 to take off her shirt as she read for the

part. He claimed this was necessary to make sure she was comfortable having sex on camera. Toback expressed to Jane Doe 14 that he was unimpressed with her nervous audition. He then asked her to masturbate on the bed and then in the shower, again, to see if she was comfortable being sexual. At this point, Jane Doe 14 was terrified and reluctantly followed his order to masturbate. Toback eventually pressed himself against her leg and began to masturbate by rubbing up against it. He asked Jane Doe 14 to pinch his nipples while looking him in the eyes. Jane Doe 14 did not oblige, so Toback pinched his own nipples. Jane Doe 14 began screaming and eventually left.

344. During their encounter, Defendant Toback told Jane Doe 14 that he had killed someone before.

345. As a result of the aforementioned conduct, Jane Doe 14 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

346. Jane Doe 14's claim is timely brought pursuant to CPLR § 214-j.

347. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 14's claim.

DD. Defendant Toback's Abuse of Jane Doe 15

348. In or about November and December of 2007 and January of 2008, when Jane Doe 15 was approximately 23 or 24 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

349. Defendant Toback approached Jane Doe 15 at a coffee shop and told her he wanted to cast her in a movie. He showed her his Director's Guild card to prove his legitimacy. He then gave her his phone number, and under the guise of discussing a professional opportunity, invited Jane Doe 15 to the Harvard Club for lunch the next day.

350. On or about November 18, 2007, Defendant Toback and Jane Doe 15 met at the Harvard Club for lunch. Toback detailed his past sexual experiences and told Jane Doe 15 he would want her to be sexually involved with him if he were to cast her. He told Jane Doe 15 stories in detail about how he had engaged in sexual activity with several famous actresses who had been cast in his films and that Jane Doe 15 would need to be “totally uninhibited” if they were to work together. As they were walking out of the Harvard Club dining room, Toback placed his hand on Jane Doe 15’s back and steered her into a bathroom. He shut the door and pinned Jane Doe 15 against the sink with both hands while he rubbed his penis against her thigh until he ejaculated. He placed Jane Doe 15’s hands under his shirt and on his nipples when he ejaculated. He then took Jane Doe 15 upstairs to a room he had rented and performed oral sex on her, placing his mouth on both her vagina and anus. After she was assaulted in the bathroom, Jane Doe 15 was terrified and felt coerced into going into the bedroom with him.

351. Defendant Toback assaulted Jane Doe 15 at the Harvard Club at least two more times in November and/or December of 2007. Both times, Jane Doe 15 was coerced into meeting Toback at the Harvard Club under the guise of “working together” after Toback told her that he had been writing a new part for her in his next film.

352. In or about January of 2008, again under the guise of meeting to “discuss the part” he was writing for Jane Doe 15 in his next film, Defendant Toback and Jane Doe 15 met for drinks at the Harvard Club. He instructed Jane Doe 15 to meet him in one of the bedrooms. Jane Doe 15 picked up a key from the front desk of the Club and met Toback in the bedroom. Jane Doe 15 was impaired when Toback had her meet in his hotel room. Toback performed oral sex on Jane Doe 15, placing his mouth on both her vagina and anus. He also grabbed her foot and masturbated himself with it until he ejaculated. Jane Doe 15 felt his semen on her bare foot.

353. As a result of the aforementioned conduct, Jane Doe 15 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

354. Jane Doe 15's claim is timely brought pursuant to CPLR § 214-j.

355. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 15's claim.

EE. Defendant Toback's Abuse of Jane Doe 16

356. In or about 1987, when Jane Doe 16 was approximately 25 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

357. Defendant Toback approached Jane Doe 16 in a convenience store and said she was the most stunning woman he had ever seen. He wanted Jane Doe 16 to be the lead in his new movie, *The Pickup Artist*, starring Robert Downey, Jr., and produced by Warren Beatty. When Jane Doe 16 arrived on set the next day, she met Warren Beatty and did a scene with Robert Downey, Jr.

358. Subsequently, under the guise of exploring a new professional opportunity for a film he was writing and producing, Defendant Toback invited Jane Doe 16 to meet him at the Harvard Club. They met in the lobby and ordered drinks. After drinks, Toback asked Jane Doe 16 to accompany him to his room because he forgot the script there. He began asking Jane Doe 16 invasive and embarrassing questions in the elevator about her sex life, sex on her period, and sex with her boyfriend. When they arrived at his room, Toback continued the sexual conversation by mentioning orgies and an actress who became famous after having sex with him.

359. Jane Doe 16 was sitting on the edge of the bed when Defendant Toback stood in front of her and dropped his pants. Jane Doe 16 tried to get up and leave, but Toback pushed her back down onto the bed. Toback stroked himself and told Jane Doe 16 that he had to ejaculate 20

times a day or he could not work. Toback then informed Jane Doe 16 that if she wanted to be a star, this is how it was done. He told her to look into his eyes and pinch his nipples. Jane Doe 16 refused. Toback then took Jane Doe 16's hands and forced Jane Doe 16 to touch his penis and nipples. Toback then grabbed Jane Doe 16's head and forced her to perform oral sex on him. Jane Doe 16 tried to resist and back away but Toback forced his penis into her mouth and then eventually ejaculated onto Jane Doe 16's face.

360. Toback said he had to go to another meeting, but Jane Doe 16 needed to call him every day so he could interview her for the movie he was going to write about her life.

361. Jane Doe 16 called Defendant Toback and he interviewed her in depth about her previous sexual experiences and her family. He also instructed Jane Doe 16 to stop shaving her armpits and legs in anticipation for the upcoming movie. Toback requested to meet with Jane Doe 16 several times, but she avoided it.

362. Toback kept calling Jane Doe 16 repeatedly, at all hours, to the point where Jane Doe 16's boyfriend was getting upset. When Jane Doe 16 told Toback that her boyfriend was upset, Toback told Jane Doe 16 he could have the boyfriend killed "if he was going to be a problem."

363. Toback reminded Jane Doe 16 of his power and connections and told her to keep what had happened to herself, or she would never work as an actress again.

364. As a result of the aforementioned conduct, Jane Doe 16 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

365. Jane Doe 16's claim is timely brought pursuant to CPLR § 214-j.

366. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 16's claim.

FF. Defendant Toback's Abuse of Jane Doe 17

367. In or about November of 1995, when Jane Doe 17 was approximately 18 years old, Defendant Toback sexually assaulted and sexually battered her.

368. Toback approached Jane Doe 17 at a subway stop. He claimed she looked like an actress, and he introduced himself as a director. He mentioned that he had directed several films, and he wrote down the name of a book Jane Doe 17 could read to confirm his legitimacy. Toback told Jane Doe 17 that he was working on a new project, and he would love for her to audition. Under the guise of exploring the professional opportunity, Toback gave Jane Doe 17 his contact information.

369. After buying the book and confirming that Toback was a real filmmaker, Jane Doe 17 called him. Toback invited her to a private audition at his apartment the same night.

370. Jane Doe 17 met Toback at his apartment and read for him for about 30 minutes. Toback then segued into conversation about Jane Doe 17's personal life and sexual life. He told Jane Doe 17 to remove her clothing, still under the guise of the audition process. Toback continued to interview Jane Doe 17 while she was naked.

371. Toback knelt next to Jane Doe 17 and humped her leg until he ejaculated.

372. As a result of the aforementioned conduct, Jane Doe 17 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

373. Jane Doe 17's claim is timely brought pursuant to CPLR § 214-j.

374. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 17's claim.

GG. Defendant Toback's Abuse of Jane Doe 18

375. In or about 1985, when Jane Doe 18 was approximately 23 years old, Defendant Toback falsely imprisoned, sexually assaulted, and sexually battered her.

376. Defendant Toback approached Jane Doe 18 on the street and told her she was beautiful and ethereal. He claimed she would be perfect to play the lead in his upcoming film, *The Pickup Artist*. Under the guise of discussing a professional opportunity, Toback gave Jane Doe 18 his card and told her to call him to arrange an audition.

377. Jane Doe 18 met with Defendant Toback at the offices of a prominent movie studio several times to read for the part, even reading with a famous actor. After one meeting, Toback grabbed Jane Doe 18 and tried to convince her to get in a cab with him and go to his apartment. Jane Doe 18 refused and was able to get away while Toback tried to get his cab to follow her.

378. In or about the fall or winter of 1985, Jane Doe 18 attended a callback audition with Defendant Toback at the offices of a prominent movie studio. Toback assured Jane Doe 18 the part was almost hers, but he needed to see her read again. He told Jane Doe 18 he could not concentrate on the audition because he was so turned on and needed to ejaculate before he could focus. Toback would not begin the audition until he ejaculated. He shared with Jane Doe 18 that he had killed a therapist at Harvard by bashing her head against a radiator. He also claimed he had friends in the mafia.

379. Toback physically cornered Jane Doe 18 on the couch, grabbed her, then humped Jane Doe 18's knee until he ejaculated. Toback told Jane Doe 18 that he could make or break her career if she told anyone what had happened.

380. As a result of the aforementioned conduct, Jane Doe 18 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

381. Jane Doe 18's claim is timely brought pursuant to CPLR § 214-j.

382. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 18's claim.

HH. Defendant Toback's Abuse of Jane Doe 19

383. In or about 1998, when Jane Doe 19 was approximately 25 years old, Defendant Toback sexually assaulted and sexually battered her.

384. Defendant Toback approached Jane Doe 19 on the street and introduced himself as a Hollywood director. He told Jane Doe 19 that he had been in a cab when he saw her and got an immediate erection, so he had to jump out and meet her. Toback claimed he had just finished a movie with a very famous actor, and that he would like to cast Jane Doe 19 in his next movie, *Harvard Man*. He gave Jane Doe 19 the title of a specific book that he was featured in, telling her to look him up so she could verify that he was a legitimate filmmaker. Then, under the guise of discussing a professional opportunity, Toback gave Jane Doe 19 his number so she could call him.

385. In or about December of 1997, Jane Doe 19 contacted Defendant Toback after confirming his identity. Toback invited her to meet with him at a hotel. They were supposed to meet in the lobby, but when Jane Doe 19 arrived, Toback asked her to come to his room because he was running late. He opened the door wearing only a towel around his erect penis. Once he was dressed, Toback began describing his resume to Jane Doe 19 before turning the conversation to sex. He spoke about orgasms and how a certain sex scene in one of his movies was real rather than simulated. He told Jane Doe 19 that even though she was not an actress, he thought she would be perfect for a role in *Harvard Man*. Jane Doe 19 mentioned she was writing a screenplay, and Toback said he would read it. Then, Toback asked Jane Doe 19 to take her shirt off so he could see her topless. He claimed it was for the part. Jane Doe 19 did as he asked. Toback looked at her for a short time and then the meeting ended.

386. In or about the winter of 1998, Jane Doe 19 completed her screenplay and reached out to Defendant Toback. They agreed to meet at the same hotel. When Jane Doe 19 arrived at Toback's hotel room, he asked her to sit on the couch. They discussed the screenplay briefly. Toback also assured Jane Doe 19 that *Harvard Man* was in development, and he still wanted her to be in it. He turned the conversation to sex, speaking about orgasms and stories from his past. Toback then knelt in front of Jane Doe 19, placed her fingers on his nipples, and told her to pinch his nipples while he rubbed his groin against her leg. Toback ejaculated up against Jane Doe 19 while staring into her eyes. When he was done, he promised Jane Doe 19 he would read her screenplay and be in touch about *Harvard Man*.

387. In or about the late summer or early fall of 1998, Defendant Toback invited Jane Doe 19 downtown while he worked on *Harvard Man*. They again talked about a possible role for Jane Doe 19 and her screenplay. Toback took Jane Doe 19 somewhere to eat, and then to his home. He led her into a guest bedroom and told her to sit on the bed. Once again, Toback rubbed himself against Jane Doe 19's leg until he ejaculated. He then pushed Jane Doe 19 down onto the bed, removed her pants, and performed oral sex on her. When he was done, he told Jane Doe 19 she could stay the night if she wanted and then he left.

388. As a result of the aforementioned conduct, Jane Doe 19 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

389. Jane Doe 19's claim is timely brought pursuant to CPLR § 214-j.

390. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 19's claim.

II. Defendant Toback's Abuse of Jane Doe 20

391. In or about 1993, when Jane Doe 20 was approximately 27 years old, Defendant Toback sexually assaulted and sexually battered her.

392. Defendant Toback approached Jane Doe 20 on the street and admitted he had been following her for several blocks. He gave Jane Doe 20 his card and explained that he was a movie director and listed the famous actors he had worked with. Toback asked Jane Doe 20 if she had seen *The Pickup Artist*, describing himself as a pickup artist that spotted talent. Toback commented on Jane Doe 20's beauty and asked if she was interested in reading for his upcoming film. Under the guise of discussing a professional opportunity, Toback encouraged Jane Doe 20 to look up who he was and then call him.

393. A few weeks later, Jane Doe 20 and Defendant Toback met in his apartment lobby. Toback took her to a restaurant, where he discussed the role he wanted her to read for. He quickly turned the conversation to sexual topics, asking Jane Doe 20 loudly about her pubic hair, orgasms, sexual preferences, and more. Toback told Jane Doe 20 he was asking these things in front of fellow diners "to gauge [her] reaction" and that it was part of "the audition."

394. As a result, believing she was still "auditioning," Jane Doe 20 went back to Toback's apartment for the reading. There, Toback shared with Jane Doe 20 that he had to have many orgasms daily and that he had an uncontrollable sexual appetite. He said he had such a problem that he had to wear layered pants or a towel for absorption. For her "reading," Toback asked Jane Doe 20 to lay on the ground and read her lines. Then he asked Jane Doe 20 if she would do him a favor and led her into the bathroom. He told her to sit on the ledge of the sink and spread her legs. Toback instructed her to look into his eyes as he pressed himself against her and began rubbing his genitals up against her until he ejaculated. Jane Doe 20 left soon after.

395. As a result of the aforementioned conduct, Jane Doe 20 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

396. Jane Doe 20's claim is timely brought pursuant to CPLR § 214-j.

397. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 20's claim.

JJ. Defendant Toback's Abuse of Jane Doe 21

398. In or about 2014 and 2015, when Jane Doe 21 was in her mid-thirties, Defendant Toback sexually assaulted and sexually battered her.

399. Defendant Toback approached Jane Doe 21 outside of a hotel bar in New York City. Toback complimented Jane Doe 21 on her general aura, and they exchanged contact information.

400. Defendant Toback texted Jane Doe 21 the next day and asked her to meet with him. Under the guise of discussing a professional opportunity, they met at the Harvard Club for dinner and drinks. Jane Doe 21 was an aspiring costume designer at the time. Toback showered her with compliments, commenting on how special, interesting, and compelling she was.

401. During dinner, Defendant Toback shared stories about sleeping with a famous actress, participating in orgies with a football player, and his friendship with a famous boxer. Toback also claimed that he knew or owed money to unsavory characters, and that they had no issues solving "problems." He asked Jane Doe 21 personal questions about her relationship with her father, her personal history, and her dating life.

402. After dinner, Defendant Toback invited Jane Doe 21 up to his room at the Harvard Club. He told her that he was thinking of writing a part for her, but he needed to know more about her. Toback then began massaging the back side of Jane Doe 21's body. Toback escalated his

behavior and began rubbing his penis, while clothed, on Jane Doe 21's calf. He asked Jane Doe 21 to turn over and continued rubbing his penis against her leg. He instructed Jane Doe 21 to pinch his nipples and then ejaculated in his pants.

403. Defendant Toback assaulted Jane Doe 21 in a similar fashion on at least two more occasions at the Harvard Club. He would instruct Jane Doe 21 to rub his nipples while he massaged her with his hands, rubbed his penis against her, and then ejaculated. Toback would try to kiss Jane Doe 21, but she turned her head to prevent him from doing so. After the assaults, Toback would offer Jane Doe 21 the room while he would leave in a cab.

404. As a result of the aforementioned conduct, Jane Doe 21 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

405. Jane Doe 21's claim is timely brought pursuant to CPLR § 214-j.

406. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 21's claim.

KK. Defendant Toback's Abuse of Jane Doe 22

407. In or about 1999, when Jane Doe 22 was approximately 25 years old, Defendant Toback sexually assaulted and sexually battered her.

408. Defendant Toback approached Jane Doe 22 at a film festival in Toronto, where Jane Doe 22 gave Toback her agent's information.

409. On or about March 17, 1999, Toback paid for Jane Doe 22 to fly to New York to rehearse for the role she had secured in *Harvard Man*. Because the plane ticket was purchased through Toback's company or studio, Jane Doe 22 felt this was a legitimate professional opportunity. She met with Defendant Toback, who told Jane Doe 22 stories about how he had fathered thousands of children, including with teenage girls. Toback also shared that he had killed

someone with a pen at a racetrack. Toback then began smelling Jane Doe 22. He tried to smell her armpits and then he tried to put his head between her legs. Jane Doe 22 tried to prevent Toback from licking her vagina by squeezing her thighs against his head.

410. Defendant Toback also told Jane Doe 22 that he wanted to look her in the eyes while he shot himself in the head. He added that he was a “powerful mother fucker” and violent.

411. Jane Doe 22 was forced to return the next day because Defendant Toback threatened her that if she didn’t return she would lose the part. Toback rubbed his erect penis against Jane Doe 22’s knee until he ejaculated. He told Jane Doe 22 that he needed to orgasm 8 times a day, and he wanted her to pull on his nipples.

412. Jane Doe 22 did not want to continue with the film, but she could not get out of her contract and Defendant Toback threatened her that she would never work again. Toback harassed her at all hours, asking her to come to his hotel to “talk about the script.”

413. As a result of the aforementioned conduct, Jane Doe 22 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

414. Jane Doe 22’s claim is timely brought pursuant to CPLR § 214-j.

415. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 22’s claim.

LL. Defendant Toback’s Abuse of Jane Doe 23

416. In or about the summer of 1998, when Jane Doe 23 was 19 years old, Defendant Toback sexually assaulted and sexually battered her.

417. Defendant Toback approached Jane Doe 23 on the street as she was walking back to her dorm room. He introduced himself and went to great lengths to prove that he was a legitimate filmmaker, including showing Jane Doe 23 his industry card. Toback told Jane Doe 23 that he was

working on a new film, *Black and White*, and she would be perfect for it. Under the guise of discussing a professional opportunity, Toback and Jane Doe 23 exchanged phone numbers.

418. Jane Doe 23 contacted Toback, and he invited her to a townhouse. Among conversation, he told Jane Doe 23 that he had killed people and that he walked around Harlem with a hidden blade. He then showed Jane Doe 23 a script and began asking her if she could see herself as an actress. Toback steered the discussion to his feeling and acting on the attraction he felt for every actress he worked with, claiming that this was how the industry worked and all the stars slept their way to the top. He mentioned a famous actress that he had slept with specifically.

419. Toback then asked Jane Doe 23 to remove her clothes because he needed to see if she would work for the part. Once Jane Doe 23 disrobed, Toback asked her to grab his nipples and look at him while he “exploded.” Jane Doe 23 obliged, and Toback rubbed himself against her leg, ultimately grabbing her as he ejaculated. Jane Doe 23 left shortly thereafter.

420. Toback and Jane Doe 23 met on a couple more occasions, though now in public, including having dinner at the Harvard Club one night. During one of these meetings, Toback expressed to Jane Doe 23 that he could not be fully creative with her unless he was looking into her eyes and “exploding” while Jane Doe 23 grabbed his nipples. Jane Doe 23 refused.

421. As a result of the aforementioned conduct, Jane Doe 23 suffered, and continues to suffer from severe and serious injuries, including, but not limited to, severe emotional distress and physical manifestations thereof.

422. Jane Doe 23’s claim is timely brought pursuant to CPLR § 214-j.

423. Further pursuant to CPLR § 214-j, Defendant is barred from asserting the affirmative defense of the statute of limitations having run as it pertains to Jane Doe 23’s claim.

CAUSES OF ACTION

Count 1: Assault as to Defendant James Toback as to all Plaintiffs

424. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

425. Defendant Toback's predatory, sexual, and unlawful acts against All Plaintiffs, as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code, including § 130.65 Sexual Abuse in the First Degree, and § 130.55 Sexual Abuse in the Third Degree.

426. Defendant Toback's predatory, sexual, and unlawful acts against all Plaintiffs other than Jane Doe 2 as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code § 130.52 Forcible Touching.

427. Defendant Toback's predatory, sexual, and unlawful acts against Adrienne LaValley and Jane Does 15, 16, and 19 as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code § 130.40 Criminal Sexual Act in the Third Degree and § 130.50 Criminal Sexual Act in the First Degree.

428. Defendant Toback's predatory, sexual, and unlawful acts against all Plaintiffs, as more fully set forth above, created a reasonable apprehension of immediate harmful or offensive contact to their person, all of which were done intentionally by him to them without their consent.

429. Plaintiffs did not consent to Defendant Toback's abuse. Toback forcibly compelled them to comply through use of physical force and/or threats, both express and implied, that he would have Plaintiffs blacklisted from the industry, kidnapped, physically harmed, or killed.

430. As a direct and proximate result of the aforementioned assaults, all Plaintiffs have suffered and continue to suffer from emotional and physical injury, including, but not limited to,

serious and severe mental distress, anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

431. As such, all Plaintiffs are entitled to compensatory damages from Defendant Toback in such sums as a jury would find fair, just, and adequate. Furthermore, because Defendant Toback committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of causing injuries to all Plaintiffs from an improper and evil motive amounting to malice and in conscious disregard of all Plaintiffs' rights, all Plaintiffs are further entitled to punitive and exemplary damages from Defendant Toback in such sums as a jury would find fair, just, and adequate to deter future similar conduct.

432. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

433. This action falls within exception to Article 16 of the CPLR.

Count 2: Battery as to Defendant James Toback as to all Plaintiffs

434. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

435. Defendant Toback's predatory, sexual, and unlawful acts against all Plaintiffs, as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code, including § 130.65 Sexual Abuse in the First Degree, § 130.55 Sexual Abuse in the Third Degree.

436. Defendant Toback's predatory, sexual, and unlawful acts against all Plaintiffs other than Jane Doe 2 as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code § 130.52 Forcible Touching.

437. Defendant Toback's predatory, sexual, and unlawful acts against Jane Does Adrienne LaValley and Jane Does 15, 16, and 19 as more fully set forth above, constitute sexual offenses as defined in article one hundred thirty of the New York Penal Code § 130.40 Criminal Sexual Act in the Third Degree and § 130.50 Criminal Sexual Act in the First Degree.

438. Defendant Toback's predatory, sexual, and unlawful acts against all Plaintiffs, as more fully set forth above, amounted to a series of harmful and offensive contacts to all Plaintiffs' persons, all of which were done intentionally by him to them without their consent.

439. Plaintiffs did not consent to Defendant Toback's abuse. Toback forcibly compelled them to comply through use of physical force and/or threats, both express and implied, that he would have Plaintiffs blacklisted from the industry, kidnapped, physically harmed, or killed.

440. As a direct and proximate result of the aforementioned battery, all Plaintiffs have suffered and continue to suffer from emotional and physical injury, including, but not limited to, serious and severe mental distress, anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

441. As such, all Plaintiffs are entitled to compensatory damages from Defendant Toback in such sums as a jury would find fair, just, and adequate. Furthermore, because Defendant Toback committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of causing injuries to all Plaintiffs from an improper and evil motive amounting to malice and in conscious disregard of all Plaintiffs' rights, all Plaintiffs are further entitled to punitive and exemplary damages from Defendant Toback in such sums as a jury would find fair, just, and adequate to deter future similar conduct.

442. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

443. This action falls within exceptions to Article 16 of the CPLR.

Count 3: False Imprisonment as to Defendant James Toback as to Plaintiffs Mary Monahan, Sheila Hageman, Brandi Ischovitsch, Christine Hudman, Leigh Eck, Frances Wilson, Sarah MacKay?, Marianne Hettinger, and Jane Doe 3, 5, 8, 10, 15, 16, and 18

444. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

445. Defendant Toback's predatory, sexual, and unlawful acts against Plaintiffs, as more fully set forth above, amounted to willful detention of Plaintiffs Mary Monahan, Sheila Hageman, Brandi Ischovitsch, Christine Hudman, Leigh Eck, Frances Wilson, Marianne Hettinger, and Jane Doe 3, 5, 8, 10, 15, 16, and 18 without authority of law, all of which were done intentionally by him to them, which they were conscious of, and without their consent.

446. Plaintiffs did not consent to Defendant Toback's abuse. Toback forcibly compelled them to comply through use of physical force and/or threats, both express and implied, that he would have Plaintiffs blacklisted from the industry, kidnapped, physically harmed, or killed.

447. As a direct and proximate result of the aforementioned false imprisonment, Plaintiffs Mary Monahan, Sheila Hageman, Brandi Ischovitsch, Christine Hudman, Leigh Eck, Frances Wilson, Marianne Hettinger, and Jane Doe 3, 5, 8, 10, 15, 16, and 18 have suffered and continue to suffer from emotional and physical injury, including, but not limited to, serious and severe mental distress, anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

448. As such, Plaintiffs Mary Monahan, Sheila Hageman, Brandi Ischovitsch, Christine Hudman, Leigh Eck, Frances Wilson, Marianne Hettinger, and Jane Doe 3, 5, 8, 10, 15, 16, and 18 are entitled to compensatory damages from Defendant Toback in such sums as a jury would find fair, just, and adequate. Furthermore, because Defendant Toback committed the acts alleged

herein maliciously, fraudulently, and oppressively with the wrongful intention of causing injuries to Plaintiffs from an improper and evil motive amounting to malice and in conscious disregard of Plaintiffs' rights, Plaintiffs are further entitled to punitive and exemplary damages from Defendant Toback in such sums as a jury would find fair, just, and adequate to deter future similar conduct.

449. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

450. This action falls within exceptions to Article 16 of the CPLR.

Count 4: Intentional Infliction of Emotional Distress as to Defendant James Toback as to all Plaintiffs

451. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

452. Defendant Toback engaged in extreme and outrageous conduct towards all Plaintiffs with the intention to cause, or with reckless disregard for the probability of causing, all Plaintiffs to suffer severe emotional distress.

453. As a direct and proximate result of the aforementioned extreme and outrageous conduct, all Plaintiffs have suffered and continue to suffer from emotional and physical injury, including, but not limited to, serious and severe mental distress, anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

454. As such, all Plaintiffs are entitled to compensatory damages from Defendant Toback in such sums as a jury would find fair, just, and adequate. Furthermore, because Defendant Toback committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of causing injuries to all Plaintiffs from an improper and evil motive amounting to malice and in conscious disregard of all Plaintiffs' rights, all Plaintiffs are further entitled to

punitive and exemplary damages from Defendant Toback in such sums as a jury would find fair, just, and adequate to deter future similar conduct.

455. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

456. This action falls within exceptions to Article 16 of the CPLR.

Count 5: Negligence as to Defendant the Harvard Club of New York City

457. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

458. Defendant Harvard Club's conduct described herein, including enabling, encouraging, facilitating, concealing, turning a blind eye to, and otherwise allowing Defendant Toback to use the Harvard Club to lure young aspiring actresses and sexually assault them, resulted in Toback's commission of various sexual offenses against Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

459. Based on the allegations set forth herein, Defendant Harvard Club knew or should have known that Defendant Toback used the Harvard Club to lure aspiring young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21, onto its premises where he would sexually abuse, assault, batter, and/or falsely imprison them.

460. Defendant Harvard Club had a duty of care to act as a hotel business of ordinary prudence would act in the same or similar circumstances.

461. Over the course of nearly 40 years during which Defendant Toback repeatedly sexually assaulted young women at the Harvard Club, Defendant Harvard Club, by and through its respective agents, failed to exercise ordinary care concerning Defendant Toback and the welfare

of the young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 that he sexually abused and assaulted at the Harvard Club.

462. Defendant Harvard Club breached their duty of care by way of its own conduct as alleged herein, including but not limited to:

- a. Failing to formulate and/or enforce adequate safety procedures;
- b. Failing to adequately train its staff to be aware of and report signs of sexual misconduct;
- c. Failing to reasonably supervise or monitor Defendant Toback's conduct at the Harvard Club;
- d. Failing to investigate reports, including published articles, of Defendant Toback's sexual abuse;
- e. Failing to terminate Defendant Toback's membership to the Harvard Club when it knew or should have known he was sexually assaulting women at the Harvard Club;
or
- f. Failing to take steps to otherwise reduce the risk that Defendant Toback would use his membership to continue to engage in sexual abuse of young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

463. The burden on Defendant Harvard Club to take some action to warn or otherwise reduce the risk of Defendant Toback's sexual abuse was slight, while the harm from Toback's sexual misconduct was grave and caused significant physical and mental harm to vulnerable young women and aspiring actresses, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

464. Defendant Harvard Club's negligent and/or affirmative enabling, encouraging

facilitating, concealing, and allowing Defendant Toback to indulge his propensity to sexually abuse, or engage in sexual misconduct, was a substantial factor in Toback's continuing to sexually abuse women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 and causing them harm. Indeed, Defendant Harvard Club is negligent for fostering, creating and/or permitting a culture where Defendant Toback was allowed to sexually abuse women, which was a substantial contributing factor in Toback continuing to do so.

465. The negligence described above was committed by employees of Defendant Harvard Club who were acting within the scope of their employment—that is, they were acting within the Harvard Club's general authority, in furtherance of the Harvard Club's business, and for the accomplishment of the objective for which the employees were hired. Therefore, the doctrine of respondeat superior applies to the acts committed by Harvard Club's employees involved in the conduct made the basis of this lawsuit.

466. The Harvard Club's negligence was a direct and proximate cause of Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 injuries. But for Harvard Club's negligence, Defendant Toback would not have been able to repeatedly use the Harvard Club as a place to sexually assault young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21, causing the severe mental anguish that these Plaintiffs continues to suffer today. It is foreseeable to a hotel exercising ordinary care that failing to prevent access to a known sexual predator may result in an intrusion, threat to safety, and assault just as these Plaintiffs suffered.

467. As a direct and proximate result of the aforementioned negligence, Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21, have suffered, and continue to suffer from emotional and physical injury, including, but not limited to, serious and severe mental distress,

anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

468. As such, Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 are entitled to compensatory damages from Defendant Harvard Club in such sums as a jury would find fair, just, and adequate.

469. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

470. This action falls within exceptions to Article 16 of the CPLR.

Count 6: Gross Negligence as to the Defendant Harvard Club of New York City

471. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

472. Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 seek exemplary damages as the Defendant Harvard Club's conduct amounts to gross negligence. The Harvard Club's acts and omissions, when viewed from its standpoint, involved a reckless disregard for the rights of others or smacks of intentional wrongdoing, considering the probability and magnitude of potential harm to these Plaintiffs.

473. The Harvard Club's conduct constitutes gross negligence, as they knew or should have known, of the risk that Defendant Toback presented to his guests, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

474. Defendant Harvard Club nevertheless allowed Defendant Toback unfettered access to the club for nearly 40 years, and did so with a conscious indifference to the rights, safety, and welfare of others, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21.

475. The gross negligence described above was committed by employees of Defendant Harvard Club who were acting within the scope of their employment—that is, they were acting within the Harvard Club’s general authority, in furtherance of the Harvard Club’s business, and for the accomplishment of the objective for which the employees were hired. Therefore, the doctrine of respondeat superior applies to the acts committed by Harvard Club’s employees involved in the conduct made the basis of this lawsuit.

476. The Harvard Club’s gross negligence was a direct and proximate cause of Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21’s injuries. But for Harvard Club’s gross negligence, Defendant Toback would not have been able to repeatedly use the Harvard Club as a place to sexually assault young women, including Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21, causing the severe mental anguish that these Plaintiffs continues to suffer today. It is foreseeable to a hotel exercising ordinary care that failing to prevent access to a known sexual predator may result in an intrusion, threat to safety, and assault just as these Plaintiffs suffered.

477. As a direct and proximate result of the aforementioned gross negligence, Plaintiffs Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 have suffered, and continue to suffer from emotional and physical injury, including, but not limited to, serious and severe mental distress, anguish, humiliation, shame and embarrassment, as well as economic losses, those total damages in amounts to be proven at trial.

478. As such, Jolene Hayes, Nicole Hodges, and Jane Does 4, 15, 16, and 21 are entitled to compensatory damages and exemplary damages from Defendant Harvard Club in such sums as a jury would find fair, just, and adequate.

479. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

480. This action falls within exceptions to Article 16 of the CPLR.

DAMAGES

481. Plaintiffs repeat, reiterate, and reallege each and every allegation contained herein with the same force and effect as if hereafter set forth at length.

482. As a direct and proximate cause of Defendants' conduct, Plaintiffs suffered the following injuries and damages:

- a. Physical pain in the past;
- b. Medical expenses incurred in the past and future;
- c. Mental anguish in the past and future;
- d. Loss of earning capacity in the past and future;
- e. Exemplary damages.

483. The sum of Plaintiffs' damages is within the jurisdictional limits of the Court.

JURY DEMAND

484. Plaintiffs demand a trial by jury on all issues so triable.

PRAYER FOR RELIEF

485. For these reasons, Plaintiffs asks for judgment against Defendants for the following:

- a. Actual damages;
- b. Exemplary damages;

- c. Prejudgment and post-judgment interest;
- d. Court costs; and
- e. All other relief to which Plaintiffs are entitled

Dated: December 5, 2022

Respectfully submitted,

NIX PATTERSON LLP



By: _____

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