

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X Index Number:  
JUDITH RODRIGUES-LYTWYN

Plaintiff(s),

**VERIFIED COMPLAINT**

-against-

ROMAN CATHOLIC DIOCESE OF BROOKLYN,  
THE ROMAN CATHOLIC CHURCH OF OUR LADY OF  
THE SNOWS, and FATHER ELVIS ELANO

Defendant(s),

-----X

Plaintiff, by her attorneys, LAW OFFICE OF ANDREW C. LAUFER, PLLC,  
complaining of the above named defendants, upon information and belief, respectfully  
allege as follows:

**AS AND FOR A FIRST CAUSE OF ACTION:**  
**NEGLIGENCE**

1. Plaintiff, JUDITH RODRIGUES-LYTWYN (hereinafter "Plaintiff" or "Rodrigues" ) is a resident of the county of Queens, State of New York.
2. At all times relevant hereto, Plaintiff was just visiting the Roman Catholic Church of Our Lady of the Snows, (hereinafter "Lady of The Snows" ) located at 258-15 80<sup>th</sup> Avenue, in the County of Queens, State of New York.
3. Upon information and belief, and at all times hereinafter mentioned, defendant ROMAN CATHOLIC DIOCESE OF BROOKLYN (hereinafter "Diocese") was and still is the local governing body for the members of its congregation and to the public in general who occasionally attend their church for religious purposes of the Roman Catholic denomination in Queens and throughout the metropolitan area, which includes Kings Counties.

4. Upon information and belief and at all times hereinafter mentioned, defendant, LADY OF THE SNOWS, was and still is a parish located at 258-15 80<sup>th</sup> Avenue, in the County of Queens, State of New York .
5. At all times hereinafter mentioned, defendant DIOCESE is the governing body for defendant, LADY OF THE SNOWS.
6. Upon information and belief and at all times hereinafter mentioned, defendant, DIOCESE owned the premises located at 258-15 80<sup>th</sup> Avenue, in the County of Queens, State of New York.
7. At all times hereinafter mentioned, defendant, DIOCESE operated defendant, LADY OF THE SNOWS.
8. At all times hereinafter mentioned, defendant, DIOCESE directed defendant, LADY OF THE SNOWS.
9. At all times hereinafter mentioned, defendant DIOCESE managed defendant, LADY OF THE SNOWS.
10. At all times hereinafter mentioned, defendant DIOCESE maintained defendant, LADY OF THE SNOWS.
11. At all times hereinafter mentioned, defendant DIOCESE supervised or otherwise controlled LADY OF THE SNOWS.
12. Upon information and belief, and at all times hereinafter mentioned, defendant FATHER ELVIS ELANO (hereinafter "ELANO") was and still is a pastor at defendant LADY OF THE SNOWS.
13. Upon information and belief, at all times hereinafter mentioned, defendant, ELANO was and still is a priest under the auspices of defendant DIOCESE.

14. Upon information and belief, at all times hereinafter mentioned, defendant, ELANO, was and still is a priest under the auspices of defendant, LADY OF THE SNOWS.
15. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the direction, of defendant LADY OF THE SNOWS.
16. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the supervision of defendant LADY OF THE SNOWS.
17. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the control of defendant LADY OF THE SNOWS.
18. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the direction of defendant Diocese.
19. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the supervision of defendant Diocese.
20. Upon information and belief, at all times hereinafter mentioned, defendant ELANO was and still is under the control of defendant Diocese.
21. At all times pertinent hereto, Defendant ELANO was and still is an employee, agent and/ or servant of LADY OF THE SNOWS. Among ELANO's duties, as pastor and employee, agent or servant, was to provide confession services to members of the public. In accordance with said duties, ELANO had a duty to possess the skill, knowledge and expertise which would have been exercised by a reasonably well qualified pastor providing such confession services, to refrain from activity which carries with it a foreseeable risk of causing injurious harm to a member of the public, and to at all times maintain a proper an appropriate confession posture with respect to members the public.

22. Upon information and belief, and at all times pertinent, hereto, defendant, LADY OF THE SNOWS, was and still is a Church under the supervision, administration, control, direction or governed by as a division, member or agent of the defendant, DIOCESE. Among the duties of defendant, DIOCESE, as a governing body for the members of the public, was to provide confession services to members of the public through its pastors. In accordance with said duties, defendant DIOCESE, had and still has a duty to safeguard and protect members of the public from negligent or intentional, willful, and wanton misconduct in confession that might be rendered by clergy members, or its agents or employees performing such confession under its direction. Furthermore, it was and still is the duty of defendant, DIOCESE, to appoint, hire and retain pastors, employees or agents with the skill, knowledge and expertise exercised by any reasonably well-qualified church. Additionally, it was and still is the duty of the defendant, DIOCESE, in the receiving and giving of confession to members of the public, to appoint and retain pastors, employees or agents with the skill, and expertise required and exercised by any reasonably well qualified pastor providing such confession to the members of the public, to protect members of the public from activity by its pastors, employees or assigns which carries with it a foreseeable risk of causing harm or injury to a member of the public and to establish and ensure that its pastors, employees and assigns maintain a professional and appropriate confession posture.

23. Upon information and belief, and at all times pertinent hereto, defendant, LADY OF THE SNOWS, was and still is the immediate supervisor of its pastors, employees and agents. Among the duties of Defendant LADY OF THE SNOWS, as a church for members of the public, was to provide confession to members of the public through its

pastors. In accordance with said duties, Defendant LADY OF THE SNOWS, had an still has a duty to safeguard and protect members of the public from negligence or intentional, willful, and wanton misconduct in confession that might be rendered by clergy members, its agents or employee performing such confession under its direction. Furthermore, it was and still is the duty of Defendant, LADY OF THE SNOWS, to appoint, hire and retain pastors, employees or agents with the skill, knowledge and expertise exercised by any reasonably well-qualified church. Additionally, it was and still is the duty of LADY OF THE SNOWS in the giving and receiving of confession of members of the public, to appoint and retain pastors, employees or agents with the skill and expertise required and exercised by any reasonably well-qualified pastor providing such confession to the members of the public, to protect members of the public from activity by its pastors, employees and assigns maintain a professional and appropriate posture.

24. Upon information and belief, and at any and all pertinent times, during and prior to the period commencing January 1 2008 and to the present, Defendant, DIOCESE and Defendant LADY OF THE SNOWS, as directors, employers or principles of Defendant ELANO, had the right and duty to control, monitor, supervise, direct, suspend or dismiss defendant, ELANO, as pastor, employee or agent.

25. On or about March 2008 Defendant ELANO received confession once from the Plaintiff at LADY OF THE SNOWS related to her separation and pending divorce from her husband and his physical abuse of her and his drug use.

27. Immediately thereafter, Defendant ELANO professed his love, devotion, and physical attraction to the Plaintiff, stating "Your presence struck me like a thunder bolt".

28. Defendant ELANO immediately began courting the Plaintiff and encouraging her to engage in a sexual liaison with him to assist her with overcoming her pain associated with her husband and because it was "ordained by God".

29. Plaintiff immediately became overwhelmed by Defendant ELANO'S advances and soon thereafter succumbed to them engaging in intercourse with Defendant ELANO.

30. In preparation for these sexual liaisons, Defendant ELANO ordered Viagra over the internet in order to enhance their sexual encounters. (See Exhibit A attached hereto.)

31. Defendant ELANO also arranged sexual liaisons with the Plaintiff at her home and at a Montauk, New York hotel. (See Exhibit B attached hereto.)

32. Defendant ELANO allowed himself to be photographed and video tapped by the Plaintiff in sexually suggestive poses, which included but are not limited to, posing shirtless on her bed and with a rose in his mouth. (See Exhibit C attached hereto.)

33. Soon thereafter, Defendant ELANO acknowledged to the Plaintiff that he developed a rash in his groin and legs and believed it was from his sexual liaisons with others. Upon becoming aware of this, Plaintiff ceased her dealings with Defendant ELANO (See Exhibit D attached hereto.)

34. At all times during the period between March 2008 to the present, defendant, DIOCESE, and defendant, LADY OF THE SNOWS, knew or should have known that defendant, ELANO, was, and still is encouraging, compelling, fostering, and engaging dangerous and improper relations with plaintiff, thereby causing her serious injury.

35. As a direct result of the aforementioned conduct, plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation, and shame.

36. The aforesaid acts of defendants were designed to, and in fact did, damage plaintiff and as such plaintiff is entitled to recover against the defendants both jointly and severally the sum of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AN FOR A SECOND CAUSE OF ACTION:**  
**v. DEFENDANT ELANO, PROFESSIONAL NEGLIGENCE**

37. Plaintiff repeats and realleges paragraphs (1) through (36) of the complaint as if same were more fully set forth herein.

38. Defendant ELANO, had the duty to possess and apply the skill and knowledge of a reasonably well-qualified pastor providing confession to a member of the public.

39. Defendant Elano, disregarded and breached said duties by one or more of the following acts or omissions, and was negligent in his professional capacity in one or more of the following ways:

- a. Failed to establish and maintain an appropriate and proper confession posture;
- b. Engaged in improper relations with plaintiff by exploiting his confessor-confessee relationship;
- c. Failed to refer plaintiff to a separate confessee when he knew or should have known that his sudden emotional reaction to the plaintiff jeopardized and caused injury to plaintiff's well being;
- d. Failed to seek the supervision of his supervisors when he knew or should have known that this sudden emotional reaction with plaintiff jeopardized and caused injury to plaintiff's well being;

e. Failed to terminate confession with the Plaintiff when he knew or should have known that his sudden emotional reaction to Plaintiff jeopardized and caused injury to plaintiff's well being;

f. Failed to act in an appropriate manner consistent within the ambit of his pastoral obligations.

40. As a direct result of the aforementioned conduct, Plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation, and shame and has been damaged in the sum of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00)

**AS AND FOR A THIRD CAUSE OF ACTION**

**v. DEFENDANTS DIOCESE AND LADY OF THE SNOWS**

41. Plaintiff repeats and realleges paragraph (1) through (40) of the complaint as if same were more fully set forth herein.

42. Defendants DIOCESE and LADY OF THE SNOWS, their agents, servants and employees had the duty to provide adequate religious services and to employ reasonably well-qualified pastors to provide said religious services.

43. Defendants, DIOCESE and LADY OF THE SNOWS by and through their agents, servants and employees disregarded and breached said duties by one or more of the following acts or omissions, and were negligent in their professional capacity in one or more of the following ways:

a. Failed to establish and maintain an appropriate and proper Confessor-Confessee posture;

- b. Failed to act in an appropriate manner consistent within the ambit of pastoral obligations;
  - c. Failed to adequately supervise ministerial personnel;
  - d. Failed to employ ministerial personnel with the skill, knowledge and expertise which would have been exercised by a reasonably well-qualified pastor providing counseling to members of its congregation;
  - e. Failed to adequately train ministerial personnel engaging in counseling;
  - f. Failed to adequately monitor and supervise counseling techniques and results employed by ministerial personnel;
  - g. Failed to clearly and adequately convey and communicate policies regarding emotional and physical involvement between counselors and counsees to pastors, counselors, employees, servants or agents and congregation members.
44. As a direct result of the aforementioned conduct, plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation and shame and has been damaged in the sum of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR A FOURTH CAUSE OF ACTION**

**BREACH OF FIDUCIARY DUTY**

45. Plaintiff repeats and realleges paragraphs (1) through (44) of the compliant as if same were more fully set forth herein.
46. During the period of March 2008, plaintiff, as a confessee at the defendant, LADY OF THE SNOWS, seeking confessor services, and Defendant ELANO, acting as

her pastor and confessee, created a special and confidential relationship between them wherein Defendant ELANO, assumed a duty to act for and give advice for the benefit of plaintiff upon matters within the scope of their relationship.

47. As a result of the creation of said fiduciary relationship, each of the aforementioned duties existing for Defendant ELANO, on behalf of plaintiff were fiduciary in nature.

48. Defendant, ELANO, had a duty to conform to the requisites of said fiduciary relationship.

49. Defendant, ELANO, disregarded and breached said fiduciary duties by one or more of the following acts or omissions:

- a. Failed to establish and maintain an appropriate and proper confession posture;
- b. Engaged in improper relations with plaintiff by exploiting his confessor-confessee relationship;
- c. Failed to refer plaintiff to a separate confessee when he knew or should have known that his sudden emotional reaction to the plaintiff jeopardized and caused injury to plaintiff's well being;
- d. Failed to seek the supervision of his supervisors when he knew or should have known that this sudden emotional reaction to the Plaintiff jeopardized and caused injury to Plaintiff's well being;
- e. Failed to terminate confession with Plaintiff when he knew or should have known that his sudden emotional reaction to the Plaintiff jeopardized and caused injury to plaintiff's well being;

f. Failed to act in an appropriate manner consistent within the ambit of his pastoral obligations.

50. As a direct result of the aforementioned conduct, plaintiff was caused to experience, and continues to experience sever stress, anxiety, guilt, fear, humiliation and shame and has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR A FIFTH CAUSE OF ACTION:**

**BREACH OF FIDUCIARY DUTY**

51. Plaintiff repeats and realleges paragraphs (1) through (50) of the complaint as if same were more fully set forth herein.

52. During the period of March 2008, Plaintiff, as a member of the public sought confessor services from LADY OF THE SNOWS and Defendant ELANO, acting as pastor and confessee, under the guidance, administration, supervision and control, or the apparent guidance, administration, supervision and control of defendants, LADY OF THE SNOWS, and DIOCESE, created a special and confidential relationship between them where defendants, DIOCESE and LADY OF THE SNOWS were under a duty to act for and give advice for the benefit of the plaintiff upon matters within the scope of their relationship.

53. During and prior to the period of March 2008, Plaintiff, as a member of the public, seeking religious guidance from Defendant ELANO, under the guidance, administration, supervision and control or the apparent guidance, administration, supervision and control of defendants, DIOCESE and LADY OF THE SNOWS created a fiduciary relationship between themselves and the Plaintiff.

54. As a result of the creation of said fiduciary relationship, each of the aforementioned duties existing for defendants, ELANO, DIOCESE and LADY OF THE SNOWS, through its pastors, members, agents, servants, and employees had the duty to conform to the requisites of said fiduciary relationship.

55. Defendants, DIOCESE and LADY OF THE SNOWS by and through their agents, servants and employees disregarded and breached said fiduciary duties by one or more of the following acts or omissions:

- a. Failed to establish and maintain an appropriate and proper confession posture;
- b. Engaged in improper relation with the plaintiff by exploiting his confessor-confessee relationship;
- c. Failed to refer Plaintiff to a separate priest when they knew or should have known that Defendant ELANO'S sudden emotional reaction to Plaintiff jeopardized and caused injury to Plaintiff's well being;
- d. Failed to seek the supervision of his supervisors when they knew or should have known that this physical involvement with Plaintiff jeopardized and caused injury to Plaintiff's well being;
- e. Failed to cause the termination of the relationship with Plaintiff and Defendant ELANO when they knew or should have known that Defendant ELANO'S physical involvement with Plaintiff jeopardized and caused injury to Plaintiff's well being;
- f. Failed to act in an appropriate manner consistent within the ambit of their pastoral obligations.

56. As a direct result of the aforementioned conduct, plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation and shame and has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR A SIXTH CAUSE OF ACTION:**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

57. Plaintiff repeats and realleges paragraphs (1) through (56) of the complaint as if same were more fully set forth herein.

58. Defendant ELANO, had the duty to refrain from the negligent infliction of emotional harm relative to his providing counseling to the plaintiff.

59. Defendant ELANO disregarded and breached said duties by one or more of the following acts or omissions, and was negligent in one or more of the following ways:

- a. Failed to establish and maintain an appropriate and proper confession posture;
- b. Engaged in improper relation with the Plaintiff by exploiting his confessor-confessee relationship;
- c. Failed to refer Plaintiff to a separate priest when he knew or should have known that his sudden emotional reaction to Plaintiff jeopardized and caused injury to Plaintiff's well being;
- d. Failed to seek the supervision of his supervisors when he knew or should have known that this physical involvement with Plaintiff jeopardized and caused injury to Plaintiff's well being;

e. Failed to terminate his relationship with Plaintiff when he knew or should have known that his physical involvement with Plaintiff jeopardized and caused injury to Plaintiff's well being.

f. Failed to act in an appropriate manner consistent within the ambit of his pastoral obligations.

60. As a direct result of the aforementioned conduct, Plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation and shame and has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR A SEVENTH CAUSE OF ACTION**

**NEGLIGENT INFLICTION OF MOTIONAL DISTRESS**

61. Plaintiff repeats and realleges paragraphs (1) through (60) of the complaint as if same were more fully set forth herein.

62. Defendants, DIOCESE and LADY OF HOPE, their agents, servants and employees had the duty to refrain from the negligent infliction of emotional harm relative to their providing confession services to the Plaintiff, and retention and supervision of well-qualified pastors, and ministerial employees.

63. Defendants, DIOCESE and LADY OF HOPE by and through their agents, servants and employees disregarded and breached said duties by one or more of the following acts or omissions, and were negligent in one or more of the following ways:

- a. Failed to establish and maintain an appropriate and proper confession posture;
- b. Allowing Defendant ELANO to engage in improper relations with Plaintiff by allowing the exploitation of the confessor-confessee relationship;

- c. Failed to refer Plaintiff to a separate priest when they knew or should have known that Defendant ELANO'S sudden emotional response to Plaintiff jeopardized and caused injury to Plaintiffs well being;
  - d. Failed to terminate the confessor-confessee relationship with the plaintiff when they knew or should have known that Defendant ELANO'S emotional involvement with Plaintiff jeopardized and caused injury to Plaintiff's well being;
  - e. Failed to act in an appropriate manner consistent within the ambit of their pastoral obligations.
  - f. Failed to adequately train ministerial personnel engaging in confession;
  - g. Failed to employ ministerial personnel with the skill, knowledge and expertise which would have been exercised during confession to members of the public;
  - h. Failed to adequately train ministerial personnel engaging in confession;
  - i. Failed to adequately monitor and supervise confession techniques and results employed by ministerial personnel;
  - j. Failed to clearly and adequately convey and communicate policies regarding emotional and physical involvement between confessors and confesses to pastors, employees, servants, or agents and members of the public.
64. As a direct result of the aforementioned conduct, Plaintiff was caused to experience, and continues to experience severe stress, anxiety, guilt, fear, humiliation and shame and has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR AN EIGHTH CAUSE OF ACTION**

65. The plaintiff repeats and realleges each and every allegation set forth in paragraphs (1) through (64) of the complaint as if same were set forth more fully herein.

66. The aforesaid acts of the Defendants were designed to and in fact did, intentionally inflict emotional harm upon Plaintiff.

67. As a result of the foregoing, Plaintiff has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR AN NINTH CAUSE OF ACTION**

68. Plaintiff repeats and realleges paragraphs (1) through (67) of the complaint as if same were more fully set forth herein.

69. The aforesaid acts of the Defendants ELANO, were done intentionally, and maliciously.

70. That as a result of the intentional and malicious acts of the Defendant ELANO, such acts have resulted in unintended and/or negligent harm to the plaintiff in that the plaintiff was caused to experience and continues to experience severe stress, anxiety, guilt, fear, humiliation and shame and as a result the plaintiff has been damaged in the sum of TWENY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR A TENTH CAUSE OF ACTION**

71. Plaintiff repeats and realleges paragraph (1) through (70) of the complaint as if same were more fully set forth herein.

72. Upon information and belief, defendants, the DIOCESCE and LADY OF THE SNOWS recklessly, wantonly, and negligently failed to take precautions and/or steps to

stop or limit or prohibit the actions of Defendant ELANO, and knowingly failed to supervise and/or control their agent, servant, and/or employee, Defendant ELANO, thereby knowingly placing Plaintiff in the “zone of danger”.

73. That by reason of the premise aforesaid, this Plaintiff was rendered sick, sore, lame, and disabled and her injuries upon information and belief are of a permanent character. That be reason thereof, she has been prevented from following her usual vocation, having been obliged to incur expense and obligations for medicines, medical care and attention and treatment and she is informed and she verily believes that she will in the future be obligated to incur further expense and obligation for medicines, medical care and attention and treatment and continuous pain and suffering and be able to follow her current vocation, all to her damage in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

**AS AND FOR AN ELEVENTH CAUSE OF ACTION**

74. Plaintiff repeats and realleges paragraphs (1) through (73) of the complaint as if same were more fully set forth herein.

75. As a result of Defendant’s outrageous conduct, Plaintiff’s faith has been shattered.

76. Upon information and belief, the facts set forth herein, do not represent unique or isolated incidents of misconduct and the subsequent cover up by defendants. Rather, Defendants have engaged in a pattern and practice of covering up sexual misconduct in churches and other facilities operated and controlled by them.

77. As a result of the aforesaid, plaintiff demands and is entitled to punitive damages in the sum of ONE HUNDRED MILLION DOLLARS (\$100,000,000.00).

**AS AND FOR A TWELFTH CAUSE OF ACTION**

78. Plaintiff repeats and realleges paragraphs (1) through (77) as if more fully stated herein.

79. Plaintiff was subjected to intentional, unwelcome and offensive touching by Defendant ELANO.

80. In addition, Plaintiff was also placed in fear of unwelcome and offensive touching by Defendant ELANO.

81. As a result of the foregoing, Plaintiff has been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

WHEREFORE, plaintiff prays that the Court grant relief against all of the Defendants both jointly and severally, on each of its cause of action as follows:

a. On its first Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

b. On its Second Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

c. On its Third Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

d. On its Fourth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

e. On its Fifth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

f. On its Sixth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

g. On its Seventh Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

h. On its Eighth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

i. On its Ninth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

j. On its Tenth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

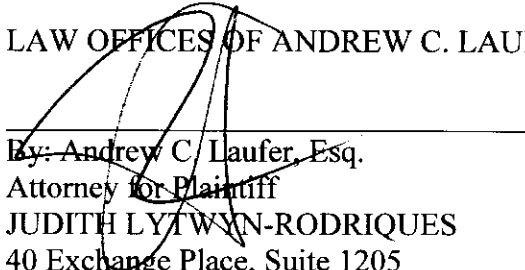
k. On its Eleventh Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

l. On its Twelfth Cause of Action in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00).

Each of the above together with interest thereon, including punitive damages, costs and attorney fees, and for such other, further and different relief as this Court deems just and proper.

Dated: New York, New York  
October 22, 2008

LAW OFFICES OF ANDREW C. LAUFER, PLLC

  
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