

SHARON S. BEN-HAIM  
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 Ben-Haim pro se

SUPERIOR COURT BERGEN COUNTY  
**FILED**

FEB 23 2017

*Laura A. Lombardi*  
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RECEIVED

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CIVIL DIVISION  
 CASE PROCESSING

SHARON S. BEN-HAIM, individually, )  
 and as guardian ad litem of OFIR BEN-HAIM )  
 )  
 )  
 )  
 )  
 Ben-Haim, )  
 v. )  
 )  
 NEW ISRAEL FUND, a non-profit corporation )  
 MAVOI SATUM, (DEAD END) )  
 an Israeli non-profit organization )  
 and )  
 BATYA KAHANA-DROR, an individual )  
 OHR TORAH STONE, a non-profit corporation )  
 YAD LISHA, an Israeli non-profit organization )  
 ZVIA MOSKOWITZ, an individual )  
 )  
 Defendants. )

**SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION BERGEN COUNTY**

Docket No: 13-73-17

Civil Action

**COMPLAINT AND JURY DEMAND**

Date Filed	<u>2/23/17</u>
Payment #	<u>445</u>
CA	<u>CK</u> <u>CG</u>
Amount	<u>\$250</u>
Payor	<u>Benham</u>
Batch/Ref. Code	<u>226</u>

Plaintiffs SHARON S. BEN-HAIM and OFIR BEN-HAIM complain  
 against defendants NEW ISRAEL FUND, MAVOI SATUM, (DEAD END),  
 BATYA KAHANA-DROR, OHR TORAH STONE, YAD LISHA AND ZVIA  
 MOSKOWITZ, and do hereby set forth and allege, as follows:

MANAGEMENTS OFFICE  
 2017 FEB 24 PM 3:00

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 005  
 \*12/20/17

## PARTIES

1. Sharon S. Ben-Haim ("Ben-Haim"), an individual, has been a resident of New Jersey since 2004.

2. Ofir Ben-Haim ("Ofir") is the minor daughter of Ben-Haim and was born September 10, 2009, in Englewood, New Jersey.<sup>1</sup>

3. Defendant New Israel Fund ("NIF") is a California non-profit organization that has provided direct and indirect financial support to Oshrat Abergel, the mother of Ofir, who criminally abducted her from New Jersey to Israel. NIF's registered agent for service of process is Steve Rothman, and its address for service of process is 1946 42<sup>nd</sup> Avenue, San Francisco, CA 94116.

4. Defendant New Israel Fund ("NIF") also has office in New York City, Located 6 East 39<sup>th</sup> St. Suit #301, New York, NY 10016.

5. Defendant Mavoi Satum, (DEAD END) is a self-described Israeli, non-profit organization with offices in New York City, located at 317 Madison Ave. Suite 607, New York, NY 10017, and, upon information and belief, is an unincorporated association operating under the recognized name of "Mavoi Satum," or ("DEAD END") and thus may be served by serving a copy of the summons

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<sup>1</sup>Simultaneously with the filing of this Complaint, Sharon Ben-Haim has filed an application to be appointed Ofir Ben-Haim's guardian *ad litem*.

and complaint on an officer or managing agent of Mavoi Satum, which in this case is defendant Batay Kahana-Dror. NJ Rule 4:4-4 (a) (5).

6. Defendant Batay Kahana-Dror ("Kahana-Dror") is a resident of State of Israel, residing at Nes Harim 605, Jerusalem 9988500, Israel, and is the founder and chief executive officer of Mavoi Satum, and has appeared as counsel in courts in Israel on behalf of Abergel, and as a result of residing outside of the territorial jurisdiction of the United States, she may be served pursuant to the methods set out in NJ 4:4-4 (b) (1) (B) and (C).

7. Defendant Ohr Torah Stone is a New York non-profit organization located at 155 East 55th Street, Suite. 303 New York, New York, 10022, and has provided direct and indirect financial support to defendants Yad L'isha and Zvia Moshkowitz, who have, in turn, assisted Oshrat Abergel (formerly "Oshrat Ben-Haim," herein "Abergel") through financial support and other means criminally abduct and kidnap Ofir Ben-Haim, in violation of a custody order for Superior court of New Jersey.

8. Defendant Yad L'isha is an Israeli non-profit organization that supported the criminal abducted and kidnapping a U.S. child and citizen from New Jersey. Yad L'isha is located

at Sheila 7, Tel Aviv - ISRAEL. With connection to offices OHR TORAH STONE in New York City, located at 155 East 55th Street, Suite #303 New York, NY, 10022, and, upon information and belief, is an unincorporated association operating under the recognized name of "OHR TORAH STONE," and thus may be served by serving a copy of the summons and complaint an officer or managing agent of Yad Lisha, which in this case is defendant Ziva Moshkowitz NJ Rule 4:4-4 (a) (5).

9. Defendant Zvia Moshkowitz ("Moshkowitz") is a resident of State of Israel, residing at Tamar St 19, Shoham, Israel, and has appeared on behalf of Abergel as "counsel" (Loading rabbis) in the Rabbinical Religious Court of Haifa. And as a result of residing outside of the territorial jurisdiction of the United States, she may be served pursuant to the methods set out in NJ 4:4-4 (b) (1) (B) and (C).

**\*\*\* Loading rabbis** (initials: To"r) or "claims court", is professional modern representation of clients before religious courts in family law .

#### **JURISDICTION AND VENUE**

10. Venue and jurisdiction are proper in this court because Ben-Haim is a resident of Bergen County, NJ, as is his daughter, Ofir, and each of the defendants has sufficient minimum contacts with New Jersey so that to subject them to jurisdiction in New

Jersey Superior Court does not offend due process or the traditional notions of substantial justice and fairness.

11. Venue and jurisdiction are proper in this court because the all orders issued from this court.

12. The defendants' intentional torts were directed at the Ben-Haim in Bergen County, NJ, and the impact of defendants' acts injured and continues to injure Ben-Haim in Bergen county, NJ. Moreover, the defendants have availed and continue to avail themselves of New Jersey jurisdiction by financially and otherwise supporting the criminal abduction and kidnapping of a New Jersey resident and aiding and abetting the violation of an anti-suit order issued by the Superior Court of New Jersey and in violation of international law.

13. NIF donates money to Mavoi Satum, defendant Kahana-Dror, both of whom have espoused, advanced, and took part in the wrongful actions set forth in this complaint. See **Exhibit "1"** attached hereto.

14. NIF donates money to Yad L'isha which has also espoused, advanced, and took part in the wrongful actions set forth in this complaint. See **Exhibit "2"** attached hereto.

15. Upon information and belief, NIF actively conducts fund raising activities in New Jersey to solicit and receive

donations. At least two NJ synagogues, Congregation Shomrei Emunah, in Montclair, NJ, and the Reform Temple Ner Tamid of Bloomfield, NJ, are sponsors of NIF, and regularly host NIF events where such fundraising has taken place. Upon and information and belief, NIF and the other defendants have used such funds to commit the acts complained of in this complaint.

16. Upon information and belief, other NIF lectures and activities are organized in New Jersey, as, for example, those conducted in association with the Amy Adina Schulman Fund at The Jewish Center, in Princeton, NJ. For example, in 2011, the guest speaker at the Jewish Center was Bruce Temkin, NIF's NY director.

17. Upon information and belief, Peter Shapiro, who serves on NIF's International Council, resides of South Orange, New Jersey.

18. NIF is registered with the New Jersey Division of Consumer Affairs Charities Registration Section, under provisions of the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 *et seq.*, registration number CH0455800.

See <http://www.state.nj.us/cgi-bin/charitysearch.pl>.

19. In 2012, Ben-Haim previously sued NIF in New Jersey federal district court, Civil Action No: 2:12CV351(JLL), for its

role in supporting rabbis and others in the Israel to create an environment and system that is anti-male, hostile, and abusive to fathers in divorce proceedings. Therein, Ben-Haim alleged NIF, notwithstanding the existence of the anti-suit order, knew or should have known that, by continuing support to Abergel, it was aiding and abetting her in a criminal enterprise. Defendant Kahana-Dror, upon information and belief, travels regularly to the U.S. and to New Jersey to give speeches and to solicit donations for Mavoi Satum. Because the Defendants' intentional torts were directed at New Jersey and caused an effect on a New Jersey resident, jurisdiction exists over each of them before the Superior Court of New Jersey.

#### INTRODUCTION

20. This is an action by Ben-Haim and his daughter, Ofir, who was criminally abducted and kidnapped by her mother, Oshrat Abergel, from **her home** in New Jersey to Israel. - Courts of law in both Israel and New Jersey have recognized the abduction.

21. Abergel was charged with criminal abduction, on Aug 9, 2012, in *State of New Jersey v. Oshrat Ben-Haim (Abergel)*, Case Number: 10-15260 and Indictment No: S-1210-12, by the criminal

court of New Jersey and the Bergen County Grand Jury. See **Exhibit "3"** attached hereto.

22. The kidnapping continues, as Abergel has never returned Ofir to her father in her home state of New Jersey. Abergel committed crimes by holding Ofir in Israel and continues to violate a direct order of the Superior Court of New Jersey for Bergen County, which had ordered Abergel to return Ofir to the United States, by September 10, 2011.

23. Also, as a result of her continuing criminal act in failing to return Ofir to New Jersey, both the State of New Jersey and Interpol have issued arrest warrants for Abergel. See **Exhibit "4"** attached hereto.

24. On January 28, Hon. Judge Susan J. Steel, issued an opinion against Oshrat Ben-Haim in the Superior Court of New Jersey Docket No. BER-L-7551-13 finding Oshrat liable to Sharon for damages from her parental abduction. A copy of the opinion is attached hereto as **Exhibit "5"**.

25. On January 30, 2015, a civil judgment was entered for Sharon Ben-Haim against Oshrat Ben-Haim in the Superior Court of New Jersey for the damages she has caused in an amount of **\$2,746,161.46**.



26. The defendants have provided and continue to provide financial and other support to Abergel and have aided and abetted, and continue to aid and abet, Abergel, a known criminal, in her continuing abduction of Ofir, frustrating a New Jersey anti-suit order and Interpol warrants, and have tormented and threatened and continue to torment and threaten Ben-Haim and his family, both physically and financially. The defendants have worked closely with Abergel in order to defeat the New Jersey Superior Court order and to successfully separate Ben-Haim from his daughter.

27. As a result of the defendants' action, Ben-Haim has lost all connection with his daughter. As a result, Ben-Haim has suffered extreme emotional distress from the loss of his father-daughter relationship with Ofir and their inability to have any contact with one another. Ben-Haim has been emotionally devastated by this forced separation from Ofir, and Ofir has missed getting to know her father and having him present during her childhood.

28. To stop to this seemingly unending nightmare, Ben-Haim obtained an Anti-Suit order from the Superior Court of New Jersey, enjoining Abergel from undertaking any further court proceedings outside of the New Jersey courts, and then obtained

an order granting Ben-Haim custody of Ofir. See **Exhibit "6"** attached hereto.

29. Despite knowledge of the orders of the court, the defendants, through their financial backing of Abergel, and through Kahana-Dror's assistance of Abergel in Israeli courts, have blatantly disregarded the anti-suit order, the custody order, and have continued, on Abergel's behalf, to defame Ben-Haim and psychologically torture he and his family before the Israeli rabbis and the Israeli courts.

30. As a result, Ben-Haim has brought the instant action to hold defendants to account for their misdeeds and for the damages to Ben-Haim and to his reputation. Ben-Haim also reserves the right to add other individuals and entities as defendants, whose identities are currently unknown to Ben-Haim, but who, on information and belief, continue to financially support Abergel, either indirectly through the defendants, or directly to Abergel, in continuing her criminal abduction of Ofir.

**FACTUAL BACKGROUND AND PRIOR RELEVANT**

**LEGAL PROCEEDINGS**

31. During a Passover vacation in Israel, while of Ben-Haim and Abergel vacationed in Israel, Abergel hired attorney Tal Itkin to file a summons for divorce and equitable jurisdiction in the "Rabbinical Court" in Israel, on April 7, 2010. To Abergel, it had not been a vacation at all but rather a premeditated act of forum shopping to lure Ben-Haim into a more favorable jurisdiction for her, one in which men are routinely discriminated against.

32. On April 8, 2010, Abergel also filed a request to obtain a *ne-exeat* warrant against Ben-Haim to prevent him from leaving Israel and falsely alleged Ben-Haim intended to kidnap Ofir and run away with her to the United States, when in fact, it was Abergel who had been preparing to kidnap Ofir. Abergel and her counsel also intentionally omitted from the documents used to support the *ne-exeat* warrant the fact that she and Ben-Haim were residents of the State of New Jersey. Abergel's request for the warrants was argued before rabbinical "judges" (known as the "Dayanim"), an Israeli religious tribunal of rabbis, to have Ben-Haim arrested and to issue *ne-exeat* restraining orders to prevent him from leaving Israel. While

these forums a referred to as so-called a "Rabbinical Courts," New Jersey courts do not recognize rulings issued by such entities.

33. Furthermore, the Dayanim have been found to misuse their religious authority, extra-judicially, in Israel and in the U.S., to emotionally and physically harass men into granting religious divorces. Indeed, criminal charges have been filed by the U.S. Attorney in New Jersey federal court against rabbis for their abduction and physical abuse of Jewish men to forcibly obtain religious divorces.

34. On June 20, 2010, Abergel refused to return to New Jersey with Ofir, as previously agreed and planned by Ben-Haim and Abergel, and she remained in Israel. The New Jersey Superior Court and the Israeli Supreme Court later ruled that Abergel's refusal to return Ofir amounted to child abduction.

35. Abergel, with the backing and support of the defendants, waged war in Israel against Ben-Haim and his family, fighting unfairly, and refusing to acknowledge the primacy of the New Jersey courts on custody and divorce.

36. On January 28, 2011, upon his return to the United States, Ben-Haim commenced an action in the Superior Court of New Jersey, Chancery Division Family Part, Case No. FD-02-906-

11, seeking an order demanding Abergel return Ofir to New Jersey.

37. Meanwhile, on May 17, 2011, while the Supreme Court in Israel agreed that Ofir had been abducted, it denied Ben-Haim's petition on the technical theory that Ben-Haim "consented" to the abduction, when, in fact, he was being coerced by Abergel to negotiate terms for release of the *ne-exeat* warrants.

38. Immediately thereafter, Ben-Haim sought relief in the Superior Court of New Jersey, which on August 25, 2011, found the actions of the Dayanim in Israel did not warrant comity and that the Israeli "court's" judgment was irrational and contrary to the facts. Specifically, the court held:

New Jersey has previously addressed the issue of ecclesiastical court rulings in other jurisdictions, and I particularly note Innes v. Carrascosa which is 391 N.J. Supr. 453 And in that case, the defendant had argued that the religious annulment that she had filed for in Spain first should be recognized.

In this case, the defendant Abergel filed for ecclesiastical court. That court granted her temporary custody. And this Court finds that ruling is not to be recognized by the State of New Jersey. As in Innes v. Carrascosa, the rabbinical court is a religious court whose is ruling not given any civil effect. New Jersey case law provides that such rulings should not be recognized, and as a result, that ruling has no bearing on the decision to be made by this Court.

A true and correct copy of the Transcript court's is attached hereto as **Exhibit "7"**.

A true and correct copy of the court's order is attached hereto as **Exhibit "8"**.

39. The court then ordered Ofir be returned to New Jersey by September 10, 2011.

40. However, Abergel has refused, and, unable to attack Ben-Haim in Israel directly, has pressured Ben-Haim's family in to further harass and injure Ben-Haim and to force him into giving up his fight for his daughter. On January 6, 2012, on Ben-Haim petitioned for and the court enjoined Abergel "from filing or pursuing any action or complaint for divorce, child support or alimony in any court, including Rabbinical Courts and the civilian courts of the State of Israel, other than the Superior Court of New Jersey, Bergen County, Family Part." The full order is attached as Exhibit "6," attached hereto.

41. On January 7, 2013, the court granted Ben-Haim a divorce and awarded Ben-Haim full custody of Ofir. A true and correct copy of the order is attached hereto as **Exhibit "9"**.

42. Despite these orders, as detailed below, the Defendants have provided direct and indirect support to Abergel in aid of her actions against Ben-Haim and his family in harassing, inflicting extreme emotional abuse, and defamation, and in support and perpetuation of Abergel's kidnapping of Ofir.

43. After the January 2012 anti-suit order, the defendants supported Abergel's efforts to pursue actions for divorce, child

support or alimony in Israel. Presently, there are three actions pending in the Rabbinical Court in Haifa: one for divorce, one for alimony, and one for a motion for a warrant. There is also an action for child support pending in the Family Court in Nazareth.

44. On or before about October 2, 2013, Zvia Moshkowitz ("Moshkowitz") of the Yad L'isha aid organization filed a request for a hearing in the Haifa Rabbinical Religious Court regarding marital property on behalf of Abergel. On information and belief, NIF provided the funding for Moshkowitz's representation of Abergel, and NIF's own documents report that Yad L'isha is a direct recipient of aid from Defendant NIF, as set forth in **Exhibit "2"**, attached hereto.

45. NIF was aware at the time that Ofir had been kidnapped and that Ben-Haim had obtained the January 2012 anti-suit order because Ben-Haim had alleged similar facts in a federal suit pending against NIF and other defendants.

46. Ben-Haim sent a cease and desist letter to Moshkowitz and Yad L'isha specifically referencing the anti-suit order. See **Exhibit "10"** attached hereto.

47. Ben-Haim also sent a cease and desist letter to Rabbi Shlomo Riskin from Ohr Torah Organization, specifically

referencing the anti-suit order and demanded that the request for hearing be terminated. Ohr Torah Organization supports the Yad L'isha Organization with donations is collected from all over U.S. See **Exhibit "11"** attached hereto.

48. Defendants Moshkowitz, Yad L'isha, and NIF failed to terminate these proceedings and Moshkowitz made additional filings and appearances on behalf of Abergel in defiance of the New Jersey court's January 6, 2012, anti-suit order. Kahana-Dror has defamed Ben-Haim and caused extreme emotional distress to Ben-Haim's family by continuing to falsely state on the record before the Dayanim and Ben-Haim's family (who had been summoned to appear) that Ben-Haim was a criminal, that he wrongfully fled from Israel, and that Ben-Haim's family should be put in prison and sanctioned monetarily.

49. More recently, on June 7, 2015, Batay Kahana-Dror of Mavoi Satum obtained authorization to represent Abergel in the Dayanim of Haifa, Case No: 589799/1. On information and belief, NIF provided the funding for Kahana-Dror's representation of Abergel, and NIF's own documents report that defendant Mavoi Satum is a direct recipient of aid from Defendant NIF, as set forth in See **Exhibit "12"**, attached hereto.



50. Since then, Defendants have aided Abergel to continue using the Rabbinical Court to put additional pressure on Ben-Haim by threatening to jail his mother, father and sister, unless he drops his efforts to regain his daughter and provided the religious divorce (a "get") to Abergel in Israel

51. As a result of these statements, Ben-Haim's mother became so distraught and panicked that she became ill and had to be hospitalized.

#### **FIRST CAUSE OF ACTION**

#### **Intentional Interference with Custody**

52. Ben-Haim adopts and realleges all previous allegations with the same force and effect, as if fully set forth herein.

53. The defendants have been on notice of and are aware of the New Jersey court's January 6, 2012, order enjoining Abergel from proceeding with any claims for divorce, alimony or child support in The Rabbinical Courts or any other courts of Israel, **(see exhibit 6)**, That notice is on file with Rabbinical Court of Haifa, Case No: 589799/1.

54. Thus, Defendants have been on direct notice of the existence of the court's order since its inception. Yet, defendants gave substantial financial and other assistance and

encouragement to Abergel, as she refused to abide by the custody orders of the New Jersey Superior Court and return Ofir to her father's custody. Thus, defendants' actions have aided and abetted Abergel's kidnapping of Ofir, thereby causing injury to Ben-Haim.

55. As a proximate result of one or more of these intentional acts, Ben-Haim has suffered damages in an amount to be proven at trial. Moreover, the actions by defendants have injured Ben-Haim by forcing him having to respond and oppose improper and invalid proceedings in the Rabbinical Court of Haifa and the Nazareth Family Court. Consequently, Ben-Haim has suffered damages in an amount to be proven at trial and has incurred necessary attorney fees in an amount to be proven at trial. Moreover, because these acts were intentional and malicious punitive damages are warranted.

#### **SECOND CAUSE OF ACTION**

#### **Defamation and Libel Against All Defendants**

56. Ben-Haim adopts and realleges all previous allegations with the same force and effect, as if fully set forth herein.

57. On or about June 2015, Kahana-Dror, with the support of NIF and Mavoi Satum, began a malicious campaign of character assassination against Ben-Haim and his family members.

58. Beginning with statements made to the Dayanim, Kahana-Dror falsely accused Ben-Haim of criminal conduct, claiming that he fled from Israel and that he violated court orders. However, inasmuch as the Rabbinical Courts are religious tribunals, on or about August 25, 2011, the NJ Sup. Court had declared the Rabbinical Court's actions and judgments were not recognizable or enforceable in the State of New Jersey. Because rabbinical courts are not recognized under NJ law, traditional immunities that would apply to defamatory statements made in U.S. judicial proceedings are not applicable.

59. In or around September 2016, Kahana-Dror continued her malicious character assassination campaign against Ben-Haim and his family members. On September 13, 2016, Kahana-Dror published Ben-Haim's name on "Channel 1" and on "Radio B" in Israel and falsely accused him of criminal conduct, that he fled from Israel, and violated court orders.

60. On October 7, 2016, Ben-Haim filed a complaint against Kahana-Dror with the Israel Bar Association-Jerusalem District Ethics committee, Case No: 16/321, for publishing Ben-Haim's

name on "Channel 1" and on "Radio B" in Israel and falsely accusing him of criminal conduct, and that he fled from Israel. Ben-Haim complained that she violated privileged court Sup Ct Of Israel orders that the case was not for publishing until the court give a final judgment.

61. On Jan 8, 2017, the Israel Bar Association-Jerusalem District Ethics Committee dismissed the case but gave to Kahana-Dror the following on her:

**However, the Committee notified attorney Batya Kahana-Dror, that in view of the fact that the proceedings in the Supreme Court, are conducted behind closed doors, there is something violation about the fact that in an interview given on the radio program "Waves of Israel" the names of parties whose names are confidential, were mentioned, thereby collaborating with, however indirectly, a breach of a judicial order with regard to confidentiality.**

62. On Jan 22, 2017, Ben-Haim appealed to the National Ethics Committee about not taking disciplinary action against Batya Kahana-Dror and has still has not been provided a decision.

63. Kahana-Dror and Mavoi Satum organization knowingly and maliciously disseminated to the Rabbinical Dayanim in Haifa, Israel that Ben-Haim was a criminal; however, said statement was false, misleading and injurious to the Ben-Haim.

64. Kahana-Dror, by publishing statements accusing Ben-Haim of "criminal" conduct committed libel *per se*.

65. Kahana-Dror acted willfully, maliciously, and wantonly in reckless disregard of Ben-Haim's rights, liberties and with intent to injure the Ben-Haim.

66. Kahana-Dror by publishing other statements about Ben-Haim with knowledge of their falsity, has intentionally caused Ben-Haim to suffer damages here in New Jersey, including but not limited to, loss of reputation in the community and the refusal of others to engage with him in business.

67. As a proximate result of these intentional acts and the infliction of emotional distress, Ben-Haim has suffered damages in an amount to be proven at trial and has incurred necessary attorney fees in an amount to be proven at trial.

68. Because these acts were intentional, punitive damages are warranted.

**THIRD CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress  
Against All Defendants**

69. Ben-Haim repeats and realleges all previous allegations with the same force and effect, as if fully set forth herein.

70. Abergel engaged defendants Kahana-Dror and Mavoi Satum to maliciously torment and financially exhaust Ben-Haim, and to threaten Ben-Haim and cause him grief and agony through improper and illegal means, while defendant NIF provided the necessary funding for Kahana-Dror's and Mavoi Satum's conduct.

71. NIF, Kahana-Dror and Mavoi Satum knew or should have known there existed a high probability that the continuing abduction of Ofir in Israel and the complete severing of the paternal relationship between Ben-Haim and Ofir, the prevention of Ben-Haim from returning home to New Jersey, and the repeated assaults on Ben-Haim and his character and integrity in the Rabbinical Court and the Family Court would result in severe emotional distress to Ben-Haim.

72. Defendants' intentional actions constituted extreme and outrageous conduct designed to terminate Ben-Haim's relationship with Ofir, his child.

73. Defendants' actions alienated the natural bond and affection that should exist between Ben-Haim and his daughter and caused Ben-Haim severe and extreme emotional distress. Ben-Haim suffered depression, anxiety, sleep deprivation, and other emotional and psychological damage as a result of his alienation from Ofir.

74. Defendants' conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

75. As a proximate result of these intentional acts, Ben-Haim and Ofir have been completely alienated from each other since June 20, 2011. Ben-Haim has been prevented from sharing in his daughter's life in any meaningful way. He has suffered countless sleepless nights and his mental and physical state has deteriorated, as he has tried in vain to have Ofir returned, despite Abergel's efforts.

76. Ben-Haim has been prevented from having any contact with Ofir since September 1, 2011, and has had absolutely no role in her life, her upbringing, or her education.

77. As a result of losing his business due to the extreme emotional distress caused by his alienation from Ofir, Ben-Haim now works for minimal wage.

78. Defendants knew or should have known that there existed a high probability that the continuing abduction of Ofir in Israel and the complete severance of his paternal relationship with Ofir, the prevention of Ben-Haim from returning home to New Jersey, and the repeated assaults on Ben-Haim and his character

and integrity in the Rabbinical Court and the Family Court would result in severe emotional distress to Ben-Haim.

79. The emotional distress that Ben-Haim has suffered has been severe and no reasonable person could be expected to endure it.

80. Because these acts were malicious and intentional, punitive damages are warranted.

#### **FOURTH CAUSE OF ACTION**

##### **Civil Conspiracy Against All Defendants**

81. Ben-Haim repeats and realleges all previous allegations with the same force and effect, as if fully set forth herein.

82. The defendants engaged, conferred, planned, and collaborated in devising a scheme and campaign to aid and abet Abergel in breaking the law by abducting and kidnapping Ofir Ben-Haim and refusing to return her to Ben-Haim.

83. The defendants took acts in the furtherance of the scheme by providing direct and indirect financial support to Abergel and illegally using judicial process in Israel to frustrate Ben-Haim's efforts to have Ofir returned to NJ as ordered by the courts.




84. The defendants' acts in furtherance of their scheme were independent wrongful acts that gave rise to counts 1 - 4 of Ben-Haim's complaint and the damages asserted therewith. Consequently, the defendants are liable to Ben-Haim for civil conspiracy and for compensatory and punitive damages in an amount to be proven at trial

**PRAYER FOR RELIEF**

**WHEREFORE**, Ben-Haim requests judgment against Defendants for at least **\$26,000,000** in compensatory damages, and **\$1,000,000** for every year that Ben-Haim and Ofir, his daughter, have been separated from each other, plus punitive damages, plus attorney's fees, costs of suit, and any other relief the Court may deem just and proper.

Dated: February 23, 2017

  
Sharon S. Ben-Haim  
Plaintiff, *Pro se* SBH