

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

<p>WOJCIECH CIESZKOWSKI,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>ALEXANDER BALDWIN III,</p> <p style="text-align: center;">Defendant.</p>

Index No.

SUMMONS

To The Above Named Defendant:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York).

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: March 27, 2019
 New York, New York

EMERY CELLI BRINCKERHOFF
& ABADY LLP

By: _____ /s
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SUPREME COURT OF THE STATE OF NEW YORK
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WOJCIECH CIESZKOWSKI,

Plaintiff,

-against-

ALEXANDER BALDWIN III,

Defendant.

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VERIFIED COMPLAINT

Plaintiff Wojciech Cieszkowski, by and through his attorneys Emery Celli Brinckerhoff & Abady LLP, alleges as follows for his complaint:

INTRODUCTION

1. When you're a star, they let you do it—hit 'em right in the face.
2. Like the man he plays on television, Alec Baldwin is an entitled celebrity with a long history of verbally and physically mistreating others he sees as beneath him.
3. Wojciech Cieszkowski is a hardworking immigrant who runs a small business, lives a quiet life with his family, and enjoys running marathons.
4. On November 2, 2018, Mr. Cieszkowski's life changed forever because he dared to park his car in a public parking spot on a public street that Mr. Baldwin apparently believed he owned.
5. Mr. Baldwin verbally accosted Mr. Cieszkowski, stood over his shoulder and yelled profanities at him, shoved him hard in the chest, and finally, struck him in the face.
6. The assault by Mr. Baldwin was physically painful and psychologically traumatic to Mr. Cieszkowski.

7. Mr. Baldwin's violent behavior caused Mr. Cieszkowski to suffer headaches, lose sleep, lose weight, and miss time at work.

8. Overnight, and very much against his will, Mr. Cieszkowski became a public personality at the center of a national media circus.

9. Mr. Cieszkowski did nothing wrong, and nothing to deserve the indignity of becoming forever known as "the guy Alec Baldwin assaulted over a parking spot."

10. Simply put, what happened was Mr. Baldwin's fault.

11. This lawsuit seeks justice on Mr. Cieszkowski's behalf.

PARTIES AND VENUE

12. Plaintiff Wojciech Cieszkowski is a resident of Rockland County.

13. Defendant Alexander Rae Baldwin III is a resident of New York County.

14. Plaintiff designates New York County as the place of trial under CPLR 503(a).

FACTS

An Entitled Celebrity Violently Assaults a Small Businessman Trying to Get to Work

15. Mr. Cieszkowski is a general contractor who lives in Pearl River.

16. Mr. Cieszkowski immigrated to the United States from communist Poland as a teenager.

17. On November 2, 2018, Mr. Cieszkowski had a business meeting in Greenwich Village.

18. He drove to New York City, as he usually does when he has jobs in the City, and circled to look for parking.

19. Mr. Cieszkowski was driving east on East 10th Street between University Place and Broadway when he pulled over and stopped to wait to see if a parking spot would open up.

20. When a woman pulled out of a parking spot, Mr. Cieszkowski pulled in.
21. Unbeknownst to Mr. Cieszkowski at the time, Mr. Baldwin was apparently sitting in an SUV further up the block.
22. After parking, Mr. Cieszkowski sat in the car for several minutes looking at his phone.
23. Rather than going about his business or finding another parking spot, Mr. Baldwin waited several minutes for Mr. Cieszkowski to get out of his car so he could confront Mr. Cieszkowski.
24. Mr. Cieszkowski is slightly built; Mr. Baldwin is about six feet tall and, on information and belief, weighs at least 200 pounds.
25. When Mr. Cieszkowski got out of his car, Mr. Baldwin approached him and immediately verbally accosted him.
26. Mr. Baldwin called Mr. Cieszkowski an “asshole” and yelled out, in sum and substance, “What’s your problem? What’s your fucking problem?”
27. Mr. Baldwin accused Mr. Cieszkowski of stealing his parking spot.
28. Mr. Cieszkowski remained calm and tried to walk to the Muni meter to pay for his parking.
29. Mr. Baldwin—who is much taller and much heavier than the slightly built Mr. Cieszkowski—followed Mr. Cieszkowski in the direction of the meter.
30. Mr. Baldwin stood very close to Mr. Cieszkowski over his shoulder and yelled a series of profanities at him.

31. Mr. Baldwin asked loudly if Mr. Cieszkowski worked in the building (apparently referring to Mr. Baldwin's apartment building) and yelled, "You'll never work in this fucking building again."

32. When Mr. Cieszkowski approached the meter, Mr. Baldwin shoved him hard in the chest with both hands.

33. At that point, Mr. Cieszkowski raised his voice for the only time during the interaction and said forcefully to Mr. Baldwin, in sum and substance: "I'm trying to pay for the parking spot. Calm down!"

34. Standing in front of the meter, Mr. Baldwin struck Mr. Cieszkowski in the left jaw with his right hand.

35. Mr. Cieszkowski was stunned.

36. A man who appeared to be a staff person of Mr. Baldwin's then intervened to stop the irate Mr. Baldwin from assaulting Mr. Cieszkowski again.

37. At no time did Mr. Cieszkowski use any physical force against Mr. Baldwin.

38. At no time did Mr. Cieszkowski insult Mr. Baldwin.

39. At no time did Mr. Cieszkowski even raise his voice, except to implore Mr. Baldwin to calm down.

40. All Mr. Cieszkowski did was park in a public parking spot on a public street and try to pay for his parking.

This Incident Fits Mr. Baldwin's Long History of Angry and Assaultive Behavior

41. Alec Baldwin has an anger management problem.

42. It is also clear that Mr. Baldwin feels entitled to act abusively toward those he believes to be beneath him—which seems to be pretty much everyone, including service workers, members of the media, police officers, and people who park on public streets.

43. In 2011, Mr. Baldwin was kicked off a flight for “calling [flight attendants] inappropriate names and using offensive language.”¹

44. In 2012, Mr. Baldwin struck a photographer from the *New York Daily News* in the face outside the city marriage license bureau.²

45. In 2013, Mr. Baldwin shoved a photographer on the street and pinned him against the hood of a car.³

46. In 2014, Mr. Baldwin “got belligerent and began arguing” with police officers who tried to cite him for riding his bicycle the wrong way up Fifth Avenue.⁴

47. Mr. Baldwin has never faced meaningful accountability for his conduct.

¹ Sarah Anne Hughes, *Alec Baldwin Leaves Twitter; American Airlines Says Actor Was “Extremely Rude to the Crew,”* Washington Post, Dec. 7, 2011, https://www.washingtonpost.com/blogs/celebritology/post/alec-baldwin-leaves-twitter-american-airlines-says-actor-was-extremely-rude-to-the-crew/2011/12/07/gIQAoN7acO_blog.html?utm_term=.b193fbd74683.

² Janon Fisher & Larry McShane, *Alec Baldwin Punches Daily News Photographer After Obtaining Marriage License in New York with Fiancee Hilaria Thomas*, N.Y. Daily News, June 20, 2012, <https://www.nydailynews.com/new-york/alec-baldwin-punches-daily-news-photographer-obtaining-marriage-license-fiancee-hilaria-thomas-new-york-article-1.1098387?barcprox=true&localLinksEnabled=false>.

³ Joey Scarborough et al., *Alec Baldwin Gets Into Street Scuffle with NY Photographer, Pins Man Against Hood of Car*, N.Y. Daily News, Aug. 28, 2013, <https://www.nydailynews.com/entertainment/gossip/alec-baldwin-street-scuffle-new-york-photographer-article-1.1438362>.

⁴ Jessica Roy, *Alec Baldwin Arrested for Riding His Bike the Wrong Way Down Fifth Avenue*, Time, May 13, 2014, <http://time.com/97630/alec-baldwin-arrested-bicycle>.

Mr. Baldwin's Assault Turns Mr. Cieszkowski's Life Upside Down

48. Police who responded to the scene of Mr. Baldwin's assault on Mr. Cieszkowski recommended that Mr. Cieszkowski be taken by ambulance to an emergency medical facility for observation.

49. The medical provider who treated Mr. Cieszkowski noted "swelling over left zygomatic arch" (the left cheek bone) and "tenderness over mastoid process" (behind the ear).

50. Mr. Cieszkowski's jaw was very sore after the assault.

51. Mr. Cieszkowski experienced headaches on and off for about three weeks.

52. Mr. Cieszkowski had never been in a fight, other than on the playground as a child, and being struck in the face by a much bigger man was a traumatic experience for him.

53. Mr. Cieszkowski experienced many sleepless nights and lost about 10 pounds.

54. Mr. Cieszkowski had difficulty concentrating, lost time at work, and was unable to focus on his business.

55. For the first time in 15 years, Mr. Cieszkowski stopped running for several weeks after the assault.

56. The media staked out Mr. Cieszkowski's home, causing his family to feel uncomfortable going outside.

57. Friends, acquaintances, clients, and prospective clients often asked Mr. Cieszkowski about the assault by Mr. Baldwin.

58. Through no fault of his own, Mr. Cieszkowski is forever linked to Mr. Baldwin in the public eye.

59. Mr. Cieszkowski is forced to frequently relive a physically and emotionally painful event in response to frequent questions about it.

60. As a result, Mr. Cieszkowski is continuing to suffer mental and emotional distress.

Mr. Baldwin Pleads Guilty to Harassing Mr. Cieszkowski

61. As a result of the incident with Mr. Cieszkowski, the Manhattan District Attorney's Office charged Mr. Baldwin with attempted assault in the third degree under Penal Law §§ 110 and 120.00(1) and harassment in the second degree under Penal Law § 240.26(1).

62. On January 23, 2019, Mr. Baldwin pleaded guilty to harassment in the second degree under Penal Law § 240.26(1).

63. The judge asked Mr. Baldwin, in sum and substance, "Are you pleading guilty because you are in fact guilty?"

64. Mr. Baldwin responded: "Yes."

65. By pleading guilty, Mr. Baldwin admitted that he had the "intent to harass, annoy or alarm" Mr. Cieszkowski. Penal Law § 240.26.

66. By pleading guilty, Mr. Baldwin admitted that he "str[uck], shov[ed], kick[ed] or otherwise subject[ed]" Mr. Cieszkowski "to physical contact, or attempt[ed] or threaten[ed] to do the same." Penal Law § 240.26(1).

Despite His Acknowledgment of Guilt, Mr. Baldwin Slanders His Victim on National Television

67. Rather than show remorse for his boorish behavior and seek to make amends, Mr. Baldwin has chosen instead to slander his victim on national television.

68. In an interview on *The Ellen Show* on February 4, 2019, Mr. Baldwin claimed that he feared Mr. Cieszkowski "was going to run my wife over with his car when he was stealing my parking spot."

69. In addition to the studio audience and the live television audience, over 180,000 people have watched Mr. Baldwin's interview on YouTube.

70. Mr. Baldwin's statement was widely publicized in major news media, including in stories that mentioned Mr. Cieszkowski by name.⁵

71. Mr. Baldwin's statement implies that Mr. Cieszkowski was driving dangerously when he pulled into the parking spot and that Mr. Cieszkowski was driving quickly enough to "run someone over" and endanger her life.

72. That is a malicious fabrication and an intentional lie.

73. Mr. Cieszkowski stopped his car, waited patiently for a parking spot to open up, and pulled into the parking spot safely.

74. At no time during the incident did Mr. Cieszkowski endanger Mrs. Baldwin or anyone else.

75. On information and belief, Mrs. Baldwin was not standing close to Mr. Cieszkowski's car when Mr. Cieszkowski pulled into the spot.

76. Nor was Mrs. Baldwin in any danger of being "run over" even if she had been standing nearby.

FIRST CAUSE OF ACTION
Assault

77. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

78. On or about November 2, 2018, Defendant engaged in physical conduct that placed Plaintiff in imminent apprehension of harmful contact.

⁵ See, e.g., Suzy Byrne, *Alec Baldwin Details Parking Dispute that Led to His Arrest: "I Thought He Was Going to Run My Wife Over,"* Yahoo News, Feb. 4, 2019, <https://www.yahoo.com/entertainment/alec-baldwin-details-parking-dispute-led-arrest-thought-going-run-wife-145541281.html>.

79. Plaintiff did not consent to harmful contact by Defendant, and such contact would not have been otherwise privileged.

80. As a result of Defendant's acts, Plaintiff suffered the damages hereinbefore alleged.

81. Defendant's acts were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights, for which he is entitled to an award of punitive damages.

SECOND CAUSE OF ACTION
Battery

82. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

83. On or about November 2, 2018, Defendant made bodily contact with Plaintiff.

84. Defendant's bodily contact with Plaintiff was offensive.

85. Plaintiff did not consent to bodily contact by Defendant, and such contact was not otherwise privileged.

86. As a result of Defendant's acts, Plaintiff suffered the damages hereinbefore alleged.

87. Defendant's acts were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights, for which he is entitled to an award of punitive damages.

THIRD CAUSE OF ACTION
Slander Per Se

88. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

89. On *The Ellen Show* on February 4, 2019, Defendant said: “Did I have an argument with the guy? Yeah. I thought he was going to run my wife over with his car when he was stealing my parking spot.”

90. This statement was knowingly false and defamatory.

91. Defendant’s false and defamatory statement was publicized to Ellen DeGeneres, the studio audience, the television audience, the internet video audience, and persons who read news articles reporting on the statement.

92. By accusing Plaintiff of driving his vehicle in a manner that unreasonably endangered users of the public highway, and/or engaging in conduct that created a substantial risk of serious physical injury to another person, Defendant falsely accused Plaintiff of serious crimes. *See* Penal Law § 120.20; Vehicle & Traffic Law § 1212.

93. As a result of Defendant’s acts, Plaintiff suffered the damages hereinbefore alleged.

94. Defendant’s acts were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiff’s rights, for which he is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant him the relief requested as follows:

- A. Compensatory damages in an amount to be determined at trial;
- B. Punitive damages in an amount to be determined at trial;


- C. Pre-judgment and post-judgment interest;
- D. An award of attorneys' fees and costs incurred in this action to the fullest extent

permitted by law; and

- E. Such other and further relief as the Court may deem just and proper.

Dated: March 27, 2019
New York, New York

EMERY CELLI BRINCKERHOFF
& ABADY LLP



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Douglas E. Lieb

600 Fifth Avenue, 10th Floor
New York, New York 10020

(212) 763-5000

Attorneys for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

Wojciech Cieszkowski, being duly sworn, states that he is the Plaintiff in the above-captioned matter; has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to matters therein that are stated on information and belief, and as to those matters, he believes them to be true.



WOJCIECH CIESZKOWSKI

Sworn to before me this
8th day of March 2019



NOTARY PUBLIC

GERALDINE MEJIA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ME6295280
Qualified in New York County
My Commission Expires 12-30-2021