

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

-----X
JEFFREY ROSS LIFSCHULTZ,

Plaintiff,

-against-

JESSICA RADTKE

Defendant.
-----X

Index No.: _____

Date Purchased: _____

Plaintiff Designates New York County as the place of trial

The bases for venue are CPLR § 503(a) and § 509

SUMMONS

To: Jessica Radtke
c/o Alex Little
Burr & Forman LLP
222 Second Avenue South, Suite 2000,
Nashville, Tennessee 37201

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer on the Plaintiff's attorneys 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), and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in this Complaint.

Dated: New York, New York
November 16, 2020

ABELL ESKEW LANDAU LLP

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

-----X

JEFFREY ROSS LIFSCHULTZ,

Index No.:

Plaintiff,

COMPLAINT

-against-

JESSICA RADTKE,

Defendant.

-----X

Plaintiff Jeffrey Ross Lifschultz, by and through his attorneys, Abell Eskew Landau LLP and Freedman + Taitelman, as and for his Complaint against defendant Jessica Radtke (“Radtke”), alleges as follows:

INTRODUCTION

A. Jeffrey Ross

1. Plaintiff Jeffrey Ross Lifschultz (“Ross”) is a comedian, writer, and filmmaker professionally known as “Jeff Ross.” Despite being an acerbic comedian, Ross is a highly responsible adult and a devoted humanitarian. After suffering through the premature deaths of both of his parents, he put himself through college. In the decades since, he has contributed a large portion of his time to pro-bono activities to support women, the military, immigrants, law enforcement, the disabled, and the incarcerated.

2. Ross is a champion of gender and racial diversity in an industry that has long suffered from imbalances in those areas. For example, he recently curated the talent for the Netflix series “Historical Roasts” to include a balance of black, white, Asian, male, female, and transgender writers and performers.

3. At the repeated invitation of the United States Department of Defense and the USO, Ross has traveled to more than forty military bases around the world, on a *pro bono* basis, to entertain the men and women of the U.S. Military. During the recent COVID quarantine, Ross hosted virtual fundraisers for Meals on Wheels, the Bail Project, First Responders Children's Foundation, and The National Center for Transgender Equality.

4. Most notably, after a 30-year career and interactions with countless co-workers and audience members, he has never before been accused of any impropriety, either before or after Ms. Radtke's baseless but highly public accusations.

B. Jessica Radtke

5. Until recently, very little was known about defendant Radtke. That quickly changed after Radtke began publicly making false accusations about Ross. According to records and multiple witnesses who have come forward, including Radtke's own family members, Radtke is a habitual accuser who has lied about criminal conduct on multiple occasions. Indeed, Radtke has repeatedly falsely accused her family members and others of crimes.

6. Now, in opportunistic fashion, Radtke, who is now in her late thirties, is engaging in a campaign to defame Ross by falsely accusing him of having had a romantic and sexual relationship with her decades ago while she was a minor, and falsely accusing him of statutory rape. Radtke's accusations are **completely false** and were immediately denied by Ross. It has now become clear that Radtke is using these false accusations to extort Ross.

C. Nature of the Case

7. While Ross whole-heartedly condemns the unacceptable treatment of women who have suffered abuse at the hands of predatory men, this case is not about and makes no broader claims regarding such matters. Rather, this case exposes victimization of another kind – the

fabrication of a story, by a habitual accuser, to defame an innocent party (Ross), solely for financial gain and to garner attention.

FACTS

A. Ross's Consensual and Adult Relationship with Radtke

8. In the late 1990s, defendant Radtke worked at a comedy club in New York, New York where Ross frequently performed. During that time, Ross was a work acquaintance of Radtke who also worked at the club. Ross was also acquainted with Radtke's father Ross Radke and her brother Jim Radtke, who would frequently accompany Radtke to the comedy club.

9. Radtke was also befriended by Gina Savage, the club's manager who became Radtke's best friend and a sister figure to her.

10. In 2002, when Radtke was an adult and no longer worked at the comedy club, Radtke reemerged, pursued Ross, and they dated on and off for a number of months. To be clear, **their consensual romantic relationship occurred exclusively while Radtke was an adult above the age of consent.**

11. Thereafter, Ross lost touch with Radtke for many years. Between 2010 and 2015, Radtke sent Ross several friendly and flirtatious e-mails. Ross sent friendly responses but did not see her.

B. Radtke's False Attacks and Accusations Against Ross

12. While Radtke and Ross lost touch, Radtke remained close friends with Savage until approximately 2017. Around that time, Radtke had an argument with Savage and thereafter began a campaign to publicly attack both Savage and Ross. Almost immediately after the argument with Savage, Radtke began mocking Savage on Facebook calling her "an aging-biological-clock-

ticking-bitter woman,” a “[J]ewish woman with bottle dark brown hair and a great nose job,” and a “pro-pedophilia adulterer.”

13. On multiple occasions between approximately 2017 and 2019, Radtke repeatedly approached several tabloids trying to peddle salacious, uncorroborated and false stories about Ross and others. Radtke falsely accused Ross of having had a romantic and sexual relationship with her while she was a minor, and of statutory rape. Radtke also falsely claimed that her former best friend, Savage, encouraged and enabled the alleged underage sexual relationship. These publications were unwilling to publish Radtke’s false and uncorroborated stories.

14. However, Radtke was persistent in her efforts. In approximately September 2019, she created a public Facebook account called “Iwas15hewas33” (the “Radtke Facebook Page”). The apparent purpose of the Radtke Facebook Page was to publicly attack and defame Ross and Savage and satisfy Radtke’s demand for fame and attention. Between late 2019 and the present, Radtke published multiple statements and videos on the Radtke Facebook Page in which she falsely accused Ross of having a sexual and romantic relationship with her when she was a minor, and falsely accused him of statutory rape. Radtke also made the preposterous claim that she was Ross’s “date” at a number of high-profile public events, including celebrity roasts, that were attended by thousands of people. To make her false allegations as salacious as possible, Radtke also falsely accused Ross of frequently having unprotected sex with her while she was underage and claimed that Ross proposed to marry her.

15. In the summer of 2020, Radtke managed to find a first-time investigative reporter (and editor) at Vulture, an online gossip tabloid based in New York, New York, who was willing to republish her false statements about Ross for potentially millions of third-parties to read.

16. The Vulture editor failed to properly vet Radtke or the veracity of her outrageous and bizarre accusations, and on August 5, 2020, Vulture published an unsubstantiated article with the following headline “‘He Liked That I Was Innocent’ Jessica Radtke met Ross at a comedy club at 15. Soon after, she alleges, they began a sexual relationship” (the “Vulture Article”). The Vulture Article republished Radtke’s false statements about Ross, including without limitation, false statements about Ross that Radtke had previously published on the Radtke Facebook Page.

D. Multiple Witnesses Refute Radtke’s False Accusations Against Ross.

17. Since Radtke began defaming Ross, information and statements regarding Radtke, her history, and her motives have come to light.

18. In the summer of 2020, Ross Radtke (owner of an airlines parts manufacturing company), Radtke’s father, publicly responded on Twitter to Radtke’s accusations against Ross, stating that his own daughter was “**not telling the story as it actually happened**” and that “**she modified it to fit her situation**” because she needed material to “**shock the class**” (in reference to a writing class that she had been taking) (emphasis added). Radtke’s father has further refuted Radtke’s false accusations about her purported underage relationship with Ross, and has also stated that he only spoke to the Vulture reporter because Jessica “threatened me that she would alienate me again if I did not” and that during the call he “read from a script that Jessica had prepared for me.”

19. Radtke’s longtime best friend and mentor, Gina Savage, herself a survivor of sexual abuse, has been a highly credible and respected member of the New York comedy community for over thirty years. She has an impeccable reputation in the industry. Radtke has also falsely accused Savage of knowingly encouraging and enabling the alleged underage sexual relationship with Ross.

20. Savage has unequivocally refuted Radtke's false accusations, noting that she had been very close friends with Radtke during the relevant time period, and that she was not aware of any sexual or inappropriate activity between Radtke and Ross when Radtke was underage and that she had never heard Radtke ever mention, to her or to anyone else, that she had a sexual or otherwise inappropriate relationship with Ross while she was under age.

21. Radtke's own brother, Jim Radtke (a regional sales manager), with whom Radtke lived in New York during the relevant time period, has also refuted his sister's accusations against Ross, stating that they are "completely unfounded and ridiculous" and that he is "100% sure that Jeff was never inappropriate with Jessica and that they did not have any sexual or romantic relationship before Jessica became of age."

22. Radtke's former fiancé Jonathan Silverman, who has known her for fifteen years, wrote the following regarding her allegations about Ross:

"[She] only ever told me that her experiences/time at the comedy clubs she frequented/served drinks at were positive, formative, and an opportunity to 'make it, and be someone'. . . . this is clearly an opportunist trying to take what was wonderful memories as recounted by her and her actions (why frame the photo of your alleged abuser) and turn it into financial gain only when public opinion is on her side . . . NONE OF THIS HAPPENED THE WAY SHE DESCRIBES IN THE VIDEO. NONE Please take her words with a massive grain of salt."

23. Comedian Sherrod Small who was also present at the comedy club nearly every night that Radtke worked there also refuted Radtke's accusations noting:

"I've never seen Jeff being inappropriate with Jessica at any time and it really breaks my heart that she's going after him and Gina Savage. Gina is an actual person I've seen with my own eyes help this girl out of the gutter. Gina was like a mother or big sister to her."

24. When asked about Radtke's allegations, Barry Katz, who owned the club and employed Radtke, wrote the following to Ross:

“When I read it, the first thing I felt was that I always had the utmost respect for you and Jessica, as you both shared a warmth and kindness for all the people that you both came in contact with. The second thing, I felt was an equal amount of compassion for you...as well as her...**and I truly didn't understand why an article like this was written, when neither myself nor anyone else I knew had ever seen any inappropriate behavior**”.

(emphasis added).

25. In a different writing, Katz also addressed Radtke's claim that she was Ross's “guest” at Katz's wedding over twenty years ago in Los Angeles:

“I honestly can't remember her presence there. However, I do know that every comedian that attended, was given a single invite (without a guest)...however, that didn't stop you from taking a car service over to the Casa Del Mar with Buddy Hackett...who you also sat with at your table. So, if she was there...it was with Gina and the other people from the circle who helped out at the office and the club, who were also invited solo”.

(ellipses in original).

26. Radtke also falsely claims that Ross gave her a key to his apartment. Katz, however, has confirmed that Radtke would likely have had access to Ross' address and keys through her work for Katz' at his management office.

27. Radtke falsely claims that her underage sexual relationship with Ross began in his apartment on July 8, 1999, the night after Ross had appeared on “Late Show With David Letterman.” Producer Mark Chapin has directly refuted Radtke's accusation, specifically noting as follows:

“I remember Jeff inviting me down to go with him to his Letterman show taping. I drove down from Boston and we went in through the stage door. It was very memorable because I'd never been in the studio before. I met Paul Schaeffer on the side of the stage. Afterwards we watched Letterman film some cutaways and then we watched it air on TV later at the Comedy Cellar. The next night we celebrated with dinner at the Friars Club and **I crashed on Jeff's couch the rest of the weekend. I never met Jessica Radtke and she was not at his apartment that week or weekend**”.

(emphasis added).

28. Mark Hinkes has also refuted Radtke's false claim that she had a sexual encounter with Ross the night after his appearance on the David Letterman show in 1999. Specifically, Hinkes confirmed that he went back to Ross' apartment that night and stayed until 3 am, and that neither Radtke nor any other women were at Ross' apartment.

29. Radtke used her ticket stub from another occasion – a roast of Rob Reiner – as purported evidence she was Ross's "date" on that occasion. This is also completely false. In fact, another individual has confirmed that Radtke was with *him* that night and that he brought her home.

30. Janice Messitte, Radtke's long-time dear friend, has also refuted Radtke's accusations against Ross. According to Messitte, "Jessica is lying about having had a sexual relationship with Jeff Ross before she was of-age."

31. Radtke *herself* has seemingly acknowledged that there was no romantic or sexual relationship between her and Ross before she was of age. Specifically, and as recounted by Radtke in and for the Vulture Article, at an event at the Boston Comedy Club where she performed, Radtke made a joke about "being of legal age soon" and continued with the punch-line: "[t]here's a sign-up sheet in the back, and Jeff Ross' name is the first one on it." In the words of her own joke, she made clear that there was no sexual relationship between Radtke and Ross while she was underage, that she was not dating Ross, and that she could not do so before she was of age.

E. Radtke's Habit of Making False Criminal Accusations

32. Radtke has a habit of threatening to make, and actually making, false criminal accusations to authorities about others. Remarkably, on at least two occasions, Radtke went as far as to inflict physical injuries on herself and accuse or threaten to accuse her family members of assault.

33. In 2011, Radtke threatened to blackmail a New York-based comedian she had been dating by threatening to call up the gossip website and TV program “TMZ” to make a false accusation of domestic abuse against him when he tried to break up with her.

34. In September 2015, Radtke leveled false charges with governmental authorities against her own brother, Jim Radtke. Specifically, while she was overseas in Europe (and was not in a position to actually observe her brother or his children), she contacted Washington State’s Child Protective Services (“CPS”) to accuse Jim of child abuse and neglect. In response to Radtke’s very serious charges, CPS conducted an extensive investigation, ultimately concluding that her allegations were baseless and “did not seem rational.” Specifically, CPS determined that there were no concerns over Mr. Radtke’s parenting and that Radtke “may have made the report for personal gain of contact with the children or may not be mentally stable enough to understand what constitutes appropriate concern for children’s safety.”

35. In 2016, Radtke wrongly accused her former fiancé, Jonathan Silverman, of assault after a dispute regarding their upcoming wedding. Notably, Radtke told the police on the day of the incident that “nothing physical” happened between them and that Jon “did not lay a hand on her.” In subsequent statements made days after the incident, Radtke claimed that she had “lied” to the officers when she first spoke to them and instead claimed that that Silverman had pushed her, bit her on the triceps and left temple/eye area, and spit in her face and that she wanted to pursue charges (for which she completed a “citizens’ request for criminal complaint”). Police reports, however, indicate that Radtke had no injuries consistent with a bite mark and suggest that Radtke may have inflicted physical bodily harm on herself. Silverman himself has stated that Radtke “completely tried to slander me online by punching herself in the face and posting the

pictures on FB [Facebook] saying that I did it.” Ultimately the investigation was closed after it was determined that probable cause did not exist.

36. In May 2018, after Radtke showed up uninvited when her family was gathered in Cameron, Texas to comfort her grandfather as he was on his deathbed, Radtke “started hitting herself really hard in the face and screaming at all of us,” according to her mother (a clinical research coordinator), and threatened to call the police to allege that her family had threatened her and had beaten her up. Though the situation was ultimately de-escalated, after she returned to New York a few days later, Radtke called the Milam County Sheriff’s office and made false accusations about her brother Jim and her grandmother and claimed that she had been threatened by her family. Sheriff’s deputies were dispatched to her grandmother’s home and found no evidence of criminal activity, only Radtke’s distraught grandmother who had just buried her partner of 56 years.

F. Radtke’s Scheme to Extort Ross

37. So, who is Jessica Radtke, and why is she so insistent on fabricating despicable and defamatory falsehoods about Ross? Radtke has a history of habitual lying. Not only does Radtke fabricate stories, Radtke is obsessive, calculating and deliberate in achieving her goal of inflicting maximum harm on her perceived enemies while promoting herself.

38. But why does she do this? Her family believes that Radtke does this it to seek attention and fame, or to gain acceptance or sympathy. While those factors may be present here, there is also a much simpler motivation: **money**. That is, this is a classic “shakedown” attempt to extort Ross. Indeed, in September 2020, Radtke’s new attorney sent Ross a threatening letter. In Radke’s attorney’s letter, he invited Ross to “resolve” Radke’s so-called claims and stated that doing so would avoid the “**public nature**” of what would otherwise follow (emphasis added).

Subsequently, Radtke's attorney advised that Ross would need to pay Radtke significant sums of money to do so.

39. Ross does not intend to be cowed by Radtke's false claims and he will not accede to her extortion demand. Ross never had a sexual or romantic relationship with Radtke while she was underage, nor did he groom her for such inappropriate activity. In over thirty years as a comedian, Ross has worked with hundreds, if not thousands of female colleagues and he is proud of his reputation. He is an ally who supports children's and women's causes — and he will continue to do so. But he will not allow himself to be defamed. For Ross, this lawsuit is not about money; it is about the truth and clearing his name.

THE PARTIES

40. Plaintiff Ross is an individual who previously resided solely in New York, New York. Ross now resides in both New York, New York and Los Angeles, California.

41. Upon information and belief, defendant Radtke is an individual that resides or at least previously resided in New York, New York.

JURISDICTION AND VENUE

42. This Court has jurisdiction over the parties because (1) the parties lived in the State of New York at some or all times relevant to the subject matter of this action, and (2) the parties transact business within the State of New York.

43. Venue is properly laid in New York County, New York pursuant to CPLR § 503 as the parties reside there and/or a substantial part of the conduct that gives rise to this lawsuit occurred there.

FIRST CAUSE OF ACTION

(For Defamation – Slander and/or Libel Per Se)

44. Ross re-alleges herein by this reference each and every allegation contained in

paragraphs 1 through 43, inclusive, of this Complaint as if set forth fully herein.

45. In approximately September 2019, Radtke created the Radtke Facebook Page. The purpose of the Radtke Facebook Page was to publicly defame Ross.

46. Between late 2019 and up to at least June 17, 2020, including on at least January 20, 2020 and February 17, 2020, Radtke published multiple statements and a video seen by third-parties on the Radtke Facebook Page whereby she falsely accused Ross of having a sexual and romantic relationship with her when she was a minor, and accused him of the crime statutory rape.

47. All such statements made by Radtke on the Radtke Facebook page were completely false and fabricated, using framed photos from public events depicting no inappropriate activity, as if they were evidence that Ross committed a crime.

48. All such statements were made by Radtke without privilege or authorization.

49. Radtke made all such statements knowing full well that they were completely false, solely for the purpose of and as part of a concerted effort to ruin Ross's reputation, exposing Ross to hatred, contempt, ridicule, and obloquy, and injuring him in his occupation.

50. Upon information and belief, in the summer of 2020, Radtke spoke with Vulture, a popular online/digital tabloid based in New York, New York, (which conversations, upon information and belief, took place in person in New York State and/or in phone calls made to individuals located in New York State), made various false and defamatory statements about Ross. Vulture is headquartered in New York, New York and published by New York Magazine (which is also headquartered in New York, New York). Upon information and belief, Radtke shared and provided materials from the Radtke Facebook Page to Vulture that included false accusations that Ross had a sexual and romantic relationship with her when she was a minor and that Ross committed the crime of statutory rape.

51. Upon information and belief, Radtke knew, reasonably expected, and intended that her false statements made on the Radtke Facebook page that were provided to Vulture would be republished by Vulture on the Vulture website and that they would read by at least thousands of additional third-parties in New York and elsewhere.

52. Upon information and belief, Radtke knew, reasonably expected, and intended that if her false statements about Ross to Vulture were published by Vulture, they would likely be republished by a number of other publications and read by at least thousands of additional third-parties in New York and elsewhere. Indeed, this was precisely what she intended.

53. On August 5, 2020, Vulture published the Vulture Article, which republished Radtke's false and defamatory statements about Ross that Radtke had previously published on the Radtke Facebook Page, in particular false allegations that Ross had conducted a sexual and romantic relationship with her when she was a minor and that Ross committed the crime of statutory rape.

54. All such statements published by Radtke to Vulture and republished by Vulture were completely false and fabricated.

55. All such statements were published by Radtke without privilege or authorization and were republished by Vulture and other publications and outlets without privilege or authorization.

56. Radtke made all such statements knowing full well that they were completely false, for the purpose of ruining Ross's reputation, exposing Ross to hatred, contempt, ridicule, and obloquy, and to injure him in his occupation. Simply put, Radtke made up false stories about Ross. At a minimum, Radtke failed to use reasonable care concerning the truth or falsity of the statements about Ross.

57. Upon information and belief, the Vulture Article republishing Radtke's false statements that she published on the Radtke Facebook Page were read by thousands of additional third-parties, who reside in New York and elsewhere. Moreover, Radtke's false statements that she published on the Radtke Facebook Page which were republished in the Vulture Article were further republished and further read by more third-parties in New York and elsewhere.

58. Radtke's false statements that she published on the Radtke Facebook Page and that were, as she expected, republished by Vulture, did indeed expose Ross to public contempt, ridicule, aversion, and disgrace, and induced an evil opinion of him in the minds of right-thinking persons. Radtke's false statements were thus *per se* defamatory as they adversely affected Ross' reputation, falsely charged Ross with a crime, expose Ross to hatred, contempt, ridicule, and obloquy, and have a tendency to injure him in his occupation, trade, and business.

59. As Radtke's false statements identified above are *per se* defamatory, Ross' damages are assumed.

60. As a direct and proximate result of the above-described publications and statements, Ross has suffered loss of his reputation, shame, mortification, mental anguish, emotional distress and fear, all to his general damage in an amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

61. As a proximate result of the above-described publications and statements, Ross has suffered special damages, including but not limited to damages stemming from loss of employment opportunities, in an amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

62. Radtke published the above-described defamatory statements with malice, oppression, and with willful and conscious disregard for Ross' rights, thereby justifying an award

of punitive damages against Radtke.

SECOND CAUSE OF ACTION
(For Defamation - Libel and/or Slander Per Se)

63. Ross re-alleges herein by this reference each and every allegation contained in paragraphs 1 through 62, inclusive, of this Complaint as if set forth fully herein.

64. Upon information and belief, in the summer of 2020, Radtke spoke with Vulture, a popular online/digital tabloid based in New York, New York, and during her “interviews” with Vulture (which, upon information and belief, took place in person in New York State and/or in phone calls made to individuals located in New York State), made various false and defamatory statements about Ross.

65. In particular, Radtke falsely told Vulture that Ross had a sexual and romantic relationship with her when she was a minor and accused Ross of the crime of statutory rape.

66. Radtke knew, reasonably expected, and intended that her false statements about Ross that she made to Vulture would be republished by Vulture on the Vulture website and that they would read by at least thousands of additional third-parties in New York and elsewhere.

67. Upon information and belief, Radtke knew, reasonably expected, and intended that if her false statements about Ross to Vulture were published by Vulture, they would likely be republished by a number of other publications and read by at least thousands of additional third-parties in New York and elsewhere. Indeed, this was precisely what she wanted to happen.

68. On August 5, 2020, Vulture published the Vulture Article, which republished Radtke’s false and defamatory statements about Ross, in particular the false allegations that Ross had a sexual and romantic relationship with her when she was a minor and that Ross committed the crime of statutory rape.

69. Upon information and belief, the Vulture Article was read by at least thousands of

third-parties in New York and elsewhere, if not more. Moreover, the statements about Ross in the Vulture Article were further republished and further read by more third-parties in New York and elsewhere.

70. All such statements published by Radtke to Vulture and republished by Vulture were completely false and fabricated.

71. All such statements were published by Radtke without privilege or authorization and were republished by Vulture and other publications and outlets without privilege or authorization.

72. Radtke made all such statements to Vulture knowing full well that they were completely false, for the purpose of ruining Ross's reputation, exposing Ross to hatred, contempt, ridicule, and obloquy, and to injure him in his occupation.

73. Radtke's false statements made to Vulture and which were, as she reasonably expected, republished by Vulture, did indeed expose Ross to public contempt, ridicule, aversion, and disgrace, and induced an evil opinion of him in the minds of right-thinking persons. Radtke's false statements were thus *per se* defamatory as they adversely affect Ross' reputation, falsely charge Ross with a crime, expose Ross to hatred, contempt, ridicule, and obloquy, and have a tendency to injure him in his occupation, trade, and business.

74. Likewise, Radtke's slanderous statements to Vulture were seen and read and/or seen by at least thousands of people who reside in New York, and elsewhere, by viewing the Vulture Article and the other publications that republished those slanderous statements.

75. Radtke made and published the defamatory statements about Ross either with knowledge that they were false or with reckless disregard as to their truth and falsity. Simply put, Radtke made up false stories about Ross. At a minimum, Radtke failed to use reasonable care

concerning the truth or falsity of the statements about Ross.

76. As Radtke's false statements identified above are per se defamatory, Ross' damages are assumed.

77. As a direct and proximate result of the above-described publications and false statements, Ross has suffered loss of his reputation, shame, mortification, mental anguish, emotional distress and fear, all to his general damage in an amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

78. As a direct and proximate result of the above-described publications and false statements, Ross has suffered special damages, including but limited to damages stemming from loss of employment opportunities, in an amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

79. Radtke published the above-described defamatory statements with malice, oppression, and with willful and conscious disregard for Ross' rights, thereby justifying an award of punitive damages against Radtke.

WHEREFORE, Ross respectfully requests that this Court grant judgment in his favor against Radtke and award relief as follows:

- (i) A permanent injunction enjoining and restraining Radtke and/or her agents, employees, and those acting in concert with her, from directly or indirectly publicizing, and/or disseminating any defamatory statements falsely stating that Ross engaged in a romantic or sexual relationship with her while she was a minor, and/or that Ross statutorily raped her;
- (ii) General and special damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
- (iii) Interest on any monetary award to Ross at the legal rate;
- (iv) Punitive damages;

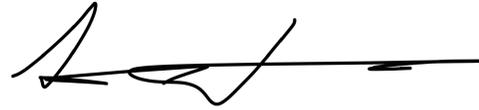
- (v) Costs of suit incurred herein; and
- (vi) Such other and further relief as the Court may deem just and proper.

Dated: November 16, 2020
New York, New York

Respectfully submitted,

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