

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

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MORGAN CAREY,

Plaintiff,

Index No.

-against-

SUMMONS

MARIAH CAREY,
MACMILLAN PUBLISHING GROUP, LLC
d/b/a HENRY HOLT AND COMPANY,
MICHAELA ANGELA DAVIS, and
ANDY COHEN d/b/a ANDY COHEN BOOKS,

Defendants.

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To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, 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); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: March 3, 2021

/S/

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

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MORGAN CAREY,

Plaintiff,

Index No.

-against-

VERIFIED COMPLAINT

MARIAH CAREY,
MACMILLAN PUBLISHING GROUP, LLC
d/b/a HENRY HOLT AND COMPANY,
MICHAELA ANGELA DAVIS, and
ANDY COHEN d/b/a ANDY COHEN BOOKS,

Defendants.

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Plaintiff MORGAN CAREY, by his attorneys, Law Office of Richard A. Altman, for his verified complaint against defendants, alleges as follows:

INTRODUCTION; THE PARTIES

1. This is an action for defamation and the intentional infliction of emotional distress, arising from the defendants’ authorship and publication of a book entitled “The Meaning of Mariah Carey” (“the Book”).

2. The Book, published in September 2020, was ostensibly co-written by defendant Mariah Carey (“Mariah”) and defendant Michaela Angela Davis (“Davis”), whose name appears on the title page of the Book as a co-author, directly under defendant Mariah Carey’s name.

3. The Book was published by defendant Macmillan Publishing Group, LLC (“Macmillan”), and bears the additional name of Andy Cohen Books as an imprint.

4. The Book contains numerous passages which are of and concerning plaintiff, and which are, both individually and collectively, false and defamatory.

5. All of the defendants are shown as authors or publishers of the Book, including the defamatory passages in it, and are thus jointly and severally liable for the reputational and financial damages which plaintiff has incurred as a result of the publication of the Book.

6. Plaintiff Morgan Carey is an individual and resides in Maui, Hawaii. He is the brother of defendant Mariah Carey. He was born in 1960, and is ten years older than his sister Mariah, who was born in 1970.

7. Defendant Mariah Carey (“Mariah”) is an individual and resides in New York, New York. She is a world-renowned musician, singer and songwriter.

8. Plaintiff Morgan Carey enjoys an excellent reputation in his personal and business relations. Despite having been a very scrawny child who was born with cerebral palsy, grand mal and petit mal epilepsy, and a left leg which was several inches shorter than the right, he later overcame his disabilities and became as a young man very physically fit.

9. In 1990, plaintiff moved to Los Angeles, where he continued to work as a fitness trainer and write and be featured regularly in Men’s Fitness Magazine.

10. At the age of 19 Morgan began working at iconic nightclubs such as Studio 54, Magique, and the Ritz. Later building a significant following of celebrity fitness clients, he was able to cultivate and draw on his relationships to help launch his sister's career.

11. Perceiving a void in the music industry, he developed a boy band, which ended up becoming the first act signed to MJJ Sony.

12. In 2007, plaintiff was instrumental in opening the door in the US for Korean artists. While employed by YG Entertainment in Seoul, he introduced Korean Reggae artist Skull, who reached #3 on the Billboard charts. This was a milestone, as he was the first Korean artist to ever debut on Billboard.

13. Plaintiff also speaks Italian fluently. In 2012, he and his wife moved to Italy. While there, they wrote two screenplays, one of which was optioned for a film. He is currently writing a permaculture-based fitness and lifestyle book.

14. However, as a direct result of the defendants' publication of the Book, negotiations which the plaintiff was involved in for the development of another film project were abruptly broken off.

15. Plaintiff brings this action more in sorrow and disappointment in his sister's betrayals and malicious falsehoods than in anger at them. He is by no means envious of his sister's enormous artistic and personal success, has enjoyed his own successes both professional and personal, and has always wished her well. Indeed, and as she acknowledges in the Book, he introduced her to and paid for her first demo recording with Ben Margulies,

who co-wrote seven of the eleven songs on her debut album, three of which went #1 on Billboard. The album sold 20 million copies,

16. But many passages about him in the Book are false and defamatory, personally invasive and painful, and have caused serious damage to his reputation and to his personal and business affairs.

17. Indeed, the damage was intended. Defendant Mariah, in a pre-publication press campaign, said in an interview with Oprah Winfrey that she intended to damage plaintiff, stating “he drew first blood.” She has also publicly referred to plaintiff as her “ex-brother.”

18. Plaintiff’s primary intentions in bringing this action are (1) to seek a judicial determination that many of the passages in it which are of and concerning him are false and defamatory; and (2) to undo the damage which these false and defamatory passages have caused and will cause him in his personal and business life. For that reason, plaintiff has not demanded any specific sum as damages.

19. Defendant Macmillan is a Limited Liability Company registered and transacting business in New York, with a place of business located at 175 5th Avenue, New York, New York.

20. Defendant Davis is an individual who resides in Brooklyn, New York. She is listed as a co-author of the Book.

21. Defendant Andy Cohen (“Cohen”) is, on information and belief, an individual who resides in New York, New York, and, on information and belief, transacts business under the trade name of Andy Cohen Books.

22. On or about October 29, 2020, defendant Macmillan published the Book.

23. The Book immediately enjoyed enormous success, and was for a period of time #1 on the New York Times Best Seller list.

24. The Book contains numerous false and defamatory passages which are of and concerning the plaintiff. Those passages are the subjects of this action.

THE FALSE AND DEFAMATORY PASSAGES IN THE BOOK

25. On pages 8 and 10¹, the following passages appear in the Book:

It took twelve cops to pull my brother and father apart. The big bodies of men, all entangled like a swirling hurricane, crashed loudly into the living room. I was a little girl with very few memories of a big brother who protected me. More often, I felt I had to protect myself from him, and sometimes I would find myself protecting my mother from him too.

This, of course, was not the first vicious fight between my father and brother—for as long as I could remember, their relationship had been a war zone. But it was the first time the troops had been called in. It was also the first time I witnessed the possibility that a member of my family could brutally die in front of my eyes. Or that I could die too. I wasn’t yet four years old.

26. The foregoing passages taken as a whole are false and defamatory, in that they portray plaintiff as a physically violent man.

¹ The page numbers cited herein are to the Kindle copy of the Book, not the hard copy.

27. In fact, this clichéd and racially charged portrayal of two Black males engaged in a physical struggle never happened. While plaintiff's father was indeed a violent man, who brutalized plaintiff throughout his early youth, the violence was entirely one sided, with the plaintiff being the recipient of his misplaced rage.

28. Moreover, actual fights between plaintiff and his father never occurred during Mariah's childhood or plaintiff's.

29. That the incident is fictional is also shown by the likelihood that any simple domestic violence report would almost certainly have been responded to by a single car with only one or two officers, not a squad with twelve.

30. Her attempt to falsely characterize plaintiff as equally violent as their father, and her subsequent commentary on police relations with Black people was only the beginning of defendant Mariah Carey's desperate attempt to vilify plaintiff, play the victim card and curry favor with the Black Lives Matter movement.

31. On page 15, the following appears:

Suddenly there was a loud, sharp noise, like an actual gunshot. My brother had pushed my mother with such force that her body slammed into the wall, making a loud cracking sound. I saw her frame go rigid; for a moment she appeared frozen against the wall, pinned up like a painting, her feet lifted several inches off the ground. Next thing I knew she was totally limp, as if her bones had melted, folding onto the floor. It was a split second. It was an eternity. My eyes were still fixed in place, only now I was looking at my mother collapsed in a crumpled pile on the floor. My brother stomped out and slammed the door, shaking the house one last time, and sped off in her car.

32. This is a false and defamatory lie. There are dozens of people who witnessed the deep affection between plaintiff and his mother. Indeed, this statement is contradicted in the Book, which recounts plaintiff's mother's statement that "Morgan is the only one I love." (page 260).

33. On pages 40 and 64, the following appears:

The boy had been "institutionalized," placed in the precarious "care" of the state, the first stop on a dangerous fast track to becoming a statistic. At one point Morgan had been taken to Sagamore Children's Psychiatric Center, a care facility for seriously emotionally troubled children and families in crisis. Morgan was a crisis. I also heard a psychiatrist had concluded that a significant contributing factor in Morgan's behavioral problems was Alison, who had a talent for instigating and manipulating Morgan to his breaking points.

34. Plaintiff did stay briefly at Sagamore Children's Center as a young boy. The public disclosure of this incident (which should have remained private) is a betrayal and deeply hurtful violation of plaintiff's privacy.

35. It is also defamatory to the extent that it falsely portrays plaintiff as the disruptive component of the father/son dynamic, when in fact it was plaintiff's father who was the abuser. The case worker at the time, one John Signorelli, correctly identified and detailed this dynamic, and said that plaintiff could return home safely once his father had left.

36. On page 127, the following appears:

If there were a fairy tale that could come close to describing my life, it would be "The Three Little Pigs." My childhood was a series of fragile, unstable houses, one after the other, where inevitably the Big Bad Wolf, my troubled brother, would huff and puff and blow it all down. I never felt safe. I never

was safe. His rage was unpredictable; I never knew when it would come, or who or what it would devour.

37. This is another example of the attempt to falsely characterize plaintiff as physically violent. Moreover, it could not have happened, because plaintiff, being ten years older, had left the household when Mariah was seven years old.

38. On pages 243-45, the following appears (emphasis in original):

At the beginning of my career, Morgan was on a mission to be known as the one who was responsible for “discovering” me...Morgan had several sketchy contacts in the music industry but also introduced me to some important players in the fashion scene, like 39. the late legendary hairstylist Oribe. In some circles, I was even known as “Morgan’s little sister,” though he hadn’t seen me as his little sister in a very long time. I was his little ticket to wealth and fame.

I’ve often publicly recognized Morgan for being the one who loaned me five thousand dollars to pay for my first professional demo, for which I remain grateful and which I paid back five thousand times over. And I would continue to pay and *pay*.

I never thought that modest initial loan made me beholden to him or should allow him to have any say in my career. I was very young, but I knew not to do business with any of the questionable music folks my brother tried to get me to work and sign with. I knew for certain, that for me, business with Morgan would come with *serious* strings. Like a noose.

40. Taken as a whole, this language is false and defamatory, because it implies that plaintiff has attempted to extort money from his sister, and that he is associated with “sketchy” and “questionable” people in the music industry.

41. On page 244 of the Book appears the following (emphases in original)

The vibe was getting increasingly creepy and claustrophobic. I remember Morgan saying in his quiet sinister way, “I got this plan to shut him up. You

don't need to know the details, but believe me I can make him shut the fuck up." He went on to say that all he needed was five thousand dollars. There it was. I looked over at my mother, hoping to get some clarity. She just kept her eyes fixed on Morgan, who had obviously convinced her to let him run the show. He continued to remind me how mean and vindictive her husband was (and indeed he *was*—he'd been displaying opportunistic behavior since the moment he met me) and that the press would shame me and destroy my career. All I had ever lived for was to be an artist and I had *just signed a record deal*. Maybe it all could be taken away in an instant? And he said it again—for "just five thousand dollars," he could protect me and take care of the threat. "It's just five thousand dollars. No one will ever know." Five thousand dollars for what? To *do* what? A sickening panic began to bubble in my lower belly.

Morgan had a long history of violence, of being mixed up with shady characters and shady situations, and there was no telling what he might do for money. In 1980, he was involved in a scandalous Suffolk County murder case. John William Maddox was murdered by his wife, Virginia Carole Maddox. Their son was an acquaintance of Morgan's. Before the night she shot her husband in the neck with a rifle, she had propositioned Morgan to kill him for her for thirty thousand dollars. He accepted a \$1,200 advance but did not carry out the job. According to the court records, her solicitation of Morgan (he was compelled to testify before a grand jury) was key evidence in disproving her claim of self-defense and helped lead to her murder conviction.

42. Taken as a whole, this language is false and defamatory. It accuses plaintiff of accepting money to inflict violence on his stepfather (the "him" referred to); it states as a fact that plaintiff accepted money as payment to murder someone; and it falsely states that plaintiff's testimony was "compelled."

43. Plaintiff does not have "a history of violence." He has never been convicted of a crime. He did not demand five thousand dollars, or any sum, "to make him shut the fuck up."

44. Plaintiff was not “compelled to testify.” When he learned of Carol Maddox’s claim to have mistakenly shot her husband, believing him to have been an intruder, plaintiff immediately contacted the prosecuting attorney, through a friend, Henry O’Brien, an attorney.

45. Plaintiff voluntarily testified before the grand jury, leading to Maddox’s indictment, conviction and incarceration for murder. Plaintiff came forward of his own volition, out of a sense of civic duty and not as the result of any pressure or coercion.

46. Moreover, plaintiff did pay for his sister Mariah’s demo, a fact which has been stated repeatedly by her and others in multiple interviews over the last thirty years. The statement that she has “repaid me 5000 times” is ridiculous and provably false, even allowing for exaggeration. She has not “repaid” plaintiff at all; the Book proves the opposite.

47. As for the “questionable people he tried to get her to work with,” they included such important musical figures—and plaintiff’s friends and business associates—as Seymour Stein, the President of Sire Records (Warner Brothers), Gavin Christopher (who had a top-ten single at the time plaintiff recruited him to work with Mariah), Nona Hendryx, Billy Idol, The System, and Ben Margulies (see ¶ 15, *supra*).

48. On page 252 of the Book appears the following (emphases in original):

At one point we were all hanging out together at the house, and Morgan proceeded to get spectacularly inebriated. When he disappeared for a bit, my mother turned directly to her usual dramatics. “Where’s Morgan?” she bellowed. “I can’t find Morgan!” Mind you, Morgan was a thirty-something grown man, but still my mother was in a self-induced panic. “*I can’t find Morgan!*” She called his hotel room repeatedly, but there was no answer. So,

what did she do? She called the cops. My mother called the cops in Aspen, Colorado, to find my nonwhite, sometimes drug dealing, been-in-the-system, drunk-ass brother. The cops came to the hotel, and it was a whole big drama. She asked them to break down his hotel door, behind which it turned out Morgan was lying naked, butt up, passed out on the bed. The news spread like wildfire throughout the town, and that, ladies and gentlemen, was the last time Morgan and Cop Caller Mom were invited to spend Christmas with me in Aspen. I really *don't* want a lot for Christmas. Particularly not the cops.

49. The foregoing is false and defamatory. Plaintiff is “nonwhite” but he is not “sometimes drug dealing,” not “been-in-the-system” (*i.e.*, a criminal) and not “drunk-ass.”

50. On page 297 of the Book appears the following:

The only time things came close to tension was when my ex-brother Morgan came to the hospital. Our father refused to see him; the pain they triggered in and caused each other in this life was too dense to unpack, even at the end.

51. This passage is false and a heinous and hurtful lie. Not only did plaintiff visit his father in the hospital, but was also with him in the hospice in the Hamptons where he died.

52. Plaintiff held his father’s hand and said that he forgave him and that he could let go. Mariah was there with plaintiff, although she spent much of her time on the terrace outside with her entourage, speaking on her cellphone and texting away.

FIRST CAUSE OF ACTION **(Defamation)**

53. Plaintiff re-alleges paragraphs 1 through 30.

54. Defendant Davis is listed as a co-author of the Book, and is jointly and severally liable with defendant Mariah for the false and defamatory language contained therein.

55. The defendants together were authors and publishers of the Book, and as such, had the obligation to ascertain the truth or falsity of those passages which are of and concerning the plaintiff.

56. Because of the fame of defendant Mariah Carey, part of the content of the Book is arguably within the sphere of legitimate public concern and interest.

57. As to those parts, the defendants Macmillan, Davis and Cohen acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

58. However, many of the passages of and concerning the plaintiff are mere gossip and of prurient interest. They are also matters of purely and deeply private concern and their publication has caused plaintiff great harm and personal pain.

59. Defendant Mariah either knew, or had reason to know, that many of the allegations of and concerning plaintiff were false, but published them anyway, with constitutional malice.

60. Annexed as Exhibit A are photographs of plaintiff and defendant Mariah, in different settings with different people. They show an obviously close relationship between them, which existed at the time of the supposed horrors which the Book describes. The first photograph, for example, shows defendant Mariah, her mother and their nephew. It was taken around 1990, in Mariah's first apartment. On the wall is a poster depicting the plaintiff.

If the plaintiff had spent years being as violent and hurtful toward his sister as he is depicted in the Book, one would assume she would not have his poster displayed on her wall.

61. The second picture shows Mariah cutting her brother's hair. One would also assume that a high degree of closeness existed between them, belying any notion of plaintiff being a violent man.

62. As responsible writers and publisher, defendants Davis, Macmillan and Cohen were obliged to investigate the truth or falsity of those statements in the Book which were of and concerning plaintiff.

63. Defendants Davis, Macmillan and Cohen failed in that obligation, either because of conscious indifference or negligence, or because they deliberately chose to accept at face value everything defendant Mariah may have told them during the course of writing, editing, and publishing the Book.

64. Defendant Mariah also acted with common-law malice and with the intent to harm and destroy plaintiff. Indeed she has said so publicly.

65. Plaintiff was never approached by anyone connected with the editing and publishing of the Book prior to its being published. He was never asked to verify anything in the Book, was never invited to view a pre-publication copy and never had any knowledge from any source as to the contents of the Book, until after it appeared.

66. Only after it appeared in print was plaintiff approached by other media for comment.

67. Defendant Davis is shown as a co-author of the Book, and is thus jointly and severally for the plaintiff's damages caused thereby.

68. The injuries and damages suffered by plaintiff were caused by reason of the joint, several and concurrent acts and omissions of the defendants in the writing, editing, preparing and publishing the Book, and the defendants are jointly and severally liable for the plaintiff's damages caused thereby.

SECOND CAUSE OF ACTION
(Defamation)

69. Plaintiff re-alleges paragraphs 1 through 24, 31, 32, and 54 through 68.

THIRD CAUSE OF ACTION
(Defamation)

70. Plaintiff re-alleges paragraphs 1 through 24, 33 through 35, and 54 through 68.

FOURTH CAUSE OF ACTION
(Defamation)

71. Plaintiff re-alleges paragraphs 1 through 24, 36, 37, and 54 through 68.

FIFTH CAUSE OF ACTION
(Defamation)

72. Plaintiff re-alleges paragraphs 1 through 24, 38 through 40, and 54 through 68.

SIXTH CAUSE OF ACTION
(Defamation)

73. Plaintiff re-alleges paragraphs 1 through 24, 41 through 47, and 54 through 68.

SEVENTH CAUSE OF ACTION
(Defamation)

74. Plaintiff re-alleges paragraphs 1 through 24, 48 through 52, and 54 through 68.

EIGHTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

75. Plaintiff re-alleges paragraphs 1 through 52, and 54 through 68.

76. As a direct and proximate result of the defamatory statements published by defendants and of the malicious acts of humiliation, embarrassment, and vilification of his character, plaintiff has suffered extreme mental anguish, outrage, severe anxiety about his future and his ability to support himself and his family, harm to his reputation and his earning capacity, embarrassment among his friends and associates, disruption of his personal life, and loss of enjoyment of the ordinary pleasures of everyday life.

77. These defendants have engaged in an outrageous campaign against the plaintiff intentionally and maliciously for the purpose of injuring him, or in reckless disregard of the effects that their conduct would have upon the plaintiff.

78. By reason of the foregoing, the plaintiff has suffered severe emotional distress and anguish, entitling plaintiff to compensatory and punitive damages.

79. Defendants' actions were malicious, willful, wanton, morally reprehensible, and so beyond the accepted standards of behavior that plaintiff is entitled to an award of punitive damages.

WHEREFORE, plaintiff demands relief as follows:

On each and every one of the First through Seventh Causes of Action, a judgment declaring that the statements contained therein which are of and concerning plaintiff are false and defamatory, and awarding compensatory and punitive damages against defendants in such sums as may be awarded by a jury and the Court;

On the Eighth Cause of Action; compensatory and punitive damages against defendants in such sums as may be awarded by a jury and the Court;

Together with the costs and disbursements of this action, and such other relief as may be just, including reasonable counsel fees.

Dated: New York, New York
March 3, 2021

/S/

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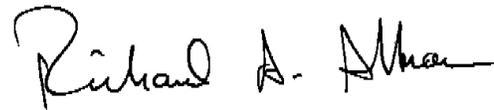
VERIFICATION

Richard A. Altman affirms under penalty of perjury that I am the attorney for plaintiff in this action, that I know and have read the contents of the foregoing complaint, and that the allegations in the complaint are true to my own knowledge, except as to matters alleged upon information and belief, and as to those matters I believe them to be true.

The sources of my information and grounds of my belief as to all matters in the foregoing document not stated to be made upon my knowledge are review of documents and conversations with the plaintiff.

This verification is made by me because the plaintiff does not reside in the county where my office is located.

Dated: New York, New York
March 3, 2021



RICHARD A ALTMAN