

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

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SUSAN VANKOUWENBERG,
Plaintiff,

Index No.:

-against-

**VERIFIED
COMPLAINT**

NATIONAL FOOTBALL LEAGUE, NFL PROPERTIES,
LLC, NFL ENTERPRISES, LLC, BUFFALO BILLS, LLC,
and CORNELIUS BENNETT,

Defendants.

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Plaintiff, SUSAN VANKOUWENBERG, (hereinafter, "Plaintiff"), complaining of
Defendants NATIONAL FOOTBALL LEAGUE, NFL PROPERTIES, LLC, NFL
ENTERPRISES, LLC, BUFFALO BILLS, LLC, and CORNELIUS BENNETT (collectively,
referred to as "Defendants"), by and through her attorneys, THE RUSSELL FRIEDMAN LAW
GROUP, LLP, respectfully alleges the following upon information and belief:

NATURE OF ACTION

1. This action is brought under the auspices of New York's Child Victims Act.¹ It concerns the repeated acts of sexual abuse, harassment, and violence that was committed in the summer of 1992 against Plaintiff by Defendant CORNELIUS BENNETT, a football player of the Buffalo Bills professional football team.

2. The abusive and violent sexual act alleged herein was committed against a young girl who was seventeen (17) years old.

3. The abusive and violent sexual act alleged herein constitutes sexual offenses committed against a child fewer than eighteen years of age, as defined in Article 130 of the New York Penal Law.

¹ See Rule 214-g of New York Rules of Civil Practice Law & Rules ("CPLR").

4. Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

JURISDICTION AND VENUE

5. This Court has jurisdiction because the causes of action alleged herein arose in the County of Monroe, State of New York.

6. Pursuant to CPLR § 503(a), venue is proper in this Court as the causes of action alleged herein arose in the County of Monroe, State of New York.

PARTIES

5. That at all times hereinafter mentioned, Plaintiff SUSAN VANKOUWENBERG is an individual who resides in the County of Monroe, State of New York.

6. Upon information and belief and at all times hereinafter mentioned, Defendant NATIONAL FOOTBALL LEAGUE is an unincorporated association of the thirty-two (32) member professional football teams, formed pursuant to the laws of the State of New York, with its principal place of business at 345 Park Avenue, New York, NY.

7. Upon information and belief and at all times hereinafter mentioned, Defendant NFL PROPERTIES, LLC is the successor-in-interest to National Football League Properties Inc. and a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at 345 Park Avenue, New York, NY.

8. Upon information and belief, Defendant NFL PROPERTIES, LLC is engaged in, among other activities, approving, licensing, and promoting equipment used by all the NFL teams.

9. Upon information and belief and at all times hereinafter mentioned, Defendant NFL ENTERPRISES, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at 345 Park Avenue, New York, NY.

10. Defendants National Football League, NFL Properties, LLC, and NFL Enterprises, LLC will hereinafter be collectively referred to as “NFL”.

11. Upon information and belief, Defendant BUFFALO BILLS, LLC (“Buffalo Bills”) is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at One Bills Drive, Orchard Park, New York.

12. Upon information and belief and at all times hereinafter mentioned, Defendant CORNELIUS BENNETT (“Bennett”) is an individual who resides in the State of Florida, who was a resident of the State of New York at the time of the alleged sexual abuse, assault, and battery.

13. Upon information and belief and at all times hereinafter mentioned, Defendant Bennett was an employee of Defendant Buffalo Bills.

14. Upon information and belief and at all times hereinafter mentioned, Plaintiff was an infant under the law at the time of the allegations contained within this Complaint.

FACTUAL BACKGROUND

15. During the summer of 1992, Plaintiff was a minor selling flowers at a bar known to its patrons at the Otter Lodge, located at 1776 Monroe Avenue, Rochester, NY 14618 (the “Otter Lodge”).

16. On a rainy night in the summer of 1992, football players on the roster of the Buffalo Bills football team (“Buffalo Bills”) and female cheerleaders known as the Buffalo Jills (“Buffalo Jills”) visited the Otter Lodge while Plaintiff was working.

17. Approximately five players from the Buffalo Bills, including Defendant Bennett, as well as five cheerleaders from the Buffalo Jills, were present at the Otter Lodge.

18. At all times hereinafter mentioned, the Buffalo Bills and Buffalo Jills were wearing official Buffalo Bills team jerseys and equipment while at the Otter Lodge.

19. Upon information and belief, the Buffalo Bills and Buffalo Jills were visiting the Otter Lodge as an official event hosted by Defendant Buffalo Bills, LLC and/or the NFL.

20. Upon information and belief, the Buffalo Bills and Buffalo Jills' visit to the Otter Lodge was an extension of their work as agents and/or employees of the Buffalo Bills and/or the NFL.

21. While Plaintiff was walking around the lounge area selling flowers to the patrons of the Otter Lodge, Defendant Bennett approached Plaintiff and began making sexual comments to Plaintiff.

22. Plaintiff refused Defendant Bennett's sexual advances and made her way to the resting area in the basement.

23. However, Defendant Bennett followed Plaintiff downstairs and pushed Plaintiff into a phone booth located in the basement.

24. After pushing Plaintiff into the phone booth, Defendant Bennett began to sexually molest Plaintiff, by grabbing her breasts and buttocks.

25. Plaintiff was petrified and in shock and fear from the sudden and unexpected sexual assault and battery, but found the courage to tell Defendant Bennett to stop.

26. However, despite Plaintiff's pleas to stop, Defendant Bennett refused to stop and attempted to take off Plaintiff's dress and underwear.

27. Defendant Bennett then inserted his finger into Plaintiff's vagina, causing Plaintiff to cry out in pain, humiliation, and fear.

28. Plaintiff struggled to push Defendant Bennett away and told Defendant Bennett to stop, but Defendant Bennett refused and continued the sexual assault and battery, making

statements such as: “let me get some of that pussy,” “do you know how much money I make bitch?”, or similar statements to the same effect.

29. Plaintiff then began crying in fear and pain, but Defendant Bennett refused to stop the sexual assault and battery, stating “I know you like it bitch,” “you want some more?”, or similar statements to the same effect.

30. At one point during the sexual assault and battery, Defendant Bennett forced Plaintiff to smell his finger that he had used to penetrate Plaintiff’s vagina.

31. The nightmarish sexual assault and battery lasted for approximately five minutes, and Defendant Bennett only stopped his sexual assault and battery of Plaintiff when he heard someone coming down the stairs.

32. When Defendant Bennett heard someone come down, he immediately stepped out of the phone booth and went back upstairs to the bar area.

33. After the aforementioned depraved and wanton encounter, Plaintiff was frozen, in disbelief, numb, in extreme pain, and in shock as to what had occurred to her.

34. The aforementioned sexual assault and battery caused Plaintiff to sustain permanent trauma and emotional damage. Plaintiff has struggled throughout her adult life. These horrid acts caused Plaintiff into a downward spiral because of the torment she was forced to endure.

35. As a direct result of the conducts of Defendants described herein, Plaintiff suffers from inability to form healthy long-term intimate relationships and friendships; suffered for over three (3) decades in a battle to avoid and cut off the cycle of violence; endures estrangement from all of her family members; continues to be ostracized, marginalized, and harassed by neighbors, coworkers, management, and peers; and is unable to make healthy and normal interpersonal adult relationships.

36. Further, as a direct result of the conducts of Defendants described herein, Plaintiff was prevented and will continue to be prevented from performing many normal daily activities and achieving full enjoyment of her life. Defendant Bennett's sexual abuse, molestation, and harassment of Plaintiff has caused Plaintiff considerable emotional distress, including but not limited to: pain of mind and body, shock, nightmares, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, depression, anxiety, humiliation, and loss of enjoyment of life; has caused Plaintiff to sustain and continue to sustain loss of earnings and earning capacity; and/or have caused Plaintiff to incur and to continue to incur expenses for medical and psychological treatment, therapy, and counseling for the abuse she sustained.

COUNT I
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

37. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

38. By turning a blind eye toward actual knowledge of Defendant Bennett's abuse, by employing Defendant Bennett, by allowing Defendant Bennett access to Plaintiff, Defendants caused Plaintiff to be sexually assaulted and battered. Defendants acted with extreme and outrageous conduct, which intentionally and/or recklessly caused severe emotional distress and bodily harm to Plaintiff.

39. Defendants' agents, servants, and employees knew (or should have known) of the sexual assault and battery but suppressed that information. Defendants failed to inform law

enforcement, social services, and failed to adequately protect Plaintiff from harm caused by their agent and/or employee.

40. Defendant Bennett, in his sexual assault and battery of Plaintiff, acted with extreme and outrageous conduct that would shock the conscience of a reasonable person, when he brutally sexually abused a pre-adolescent child. This conduct was atrocious and transcended all bounds of decency, such that this conduct would be utterly intolerable in a civilized society.

41. Plaintiff suffered severe emotional distress, including severe mental anguish, due to Defendants' intentional and/or reckless, extreme, and/or outrageous conduct.

42. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

43. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2) and 1602(7).

COUNT II
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

44. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

45. By turning a blind eye to actual knowledge of Defendant Bennett's sexual abuse and harassment, by employing Defendant Bennett, by choosing to place Defendant Bennett in a position wherein he could work unsupervised, and by allowing him access to the patrons of their official event, including Plaintiff, Defendants NFL and/or Buffalo Bills caused Plaintiff to be sexually abused. Defendants negligently placed Plaintiff in danger of bodily harm and caused Plaintiff to suffer extreme physical injury and emotional distress as a result.

46. Defendants NFL and/or Buffalo Bills employed and continued to employ Defendant Bennett despite having reason to know of the potential dangers of sexual assault and battery, thereby subjecting Plaintiff to sexual abuse and harassment at the hands of Defendant Bennett.

47. By employing Defendant Bennett to work unsupervised, Defendant NFL and/or Buffalo Bills subjected Plaintiff to sexual abuse and harassment at the hands of Defendant Bennett by allowing him to have ready, unfettered access to the patrons of their official event, including Plaintiff with whom to gratify his prurient desires.

48. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be

prevented from performing Plaintiff’s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

49. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2) and 1602(7).

COUNT III
NEGLIGENCE – SEXUAL ABUSE AND VICARIOUS LIABILITY
AGAINST ALL DEFENDANTS

50. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

51. At all relevant times alleged herein and during his employment, Defendant Bennett was an agent and/or employee of Defendants NFL and/or Buffalo Bills, and was thereby given access to Plaintiff during the course and scope of his duties, when his employer knew or should have known that Defendant Bennett presented an unreasonable risk of harm to the patrons of their official events, including Plaintiff.

52. Defendant Bennett’s repeated sexual harassment, molestation, and abuse of woman constituted “red flags” that went unheeded and, but for the negligence of Defendants NFL and/or Buffalo Bills, Defendant Bennett’s actions went unchecked as the continued harassment and sexual assault by Bennett.

53. All Defendants had a non-delegable duty to protect minors, like Plaintiff, from unwanted sexual conduct, sexual abuse, and the associated trauma resulting therefrom caused by

their agents and/or employees. Here, Defendants failed to take any reasonable steps to ensure the safety of the patrons of their official events, and Plaintiff in particular.

54. Defendants, by and through their agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Bennett’s dangerous and exploitative propensities and/or that Defendant Bennett was an unfit agent because of his sexual deviancy and dangerous nature. Defendants failed to inform law enforcement, social services, or otherwise adequately protect Plaintiff.

55. It was reasonably foreseeable that if Defendants did not adequately exercise or provide the duty of care to the patrons of their official events, including but not limited to Plaintiff, the patrons would be vulnerable to sexual abuse and harassment by Defendants’ agents, servants, and/or employees, including Defendant Bennett.

56. Defendants NFL and/or Buffalo Bills each breached the duty of care owed to the minor Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of its agents and/or employees, including Defendant Bennett.

57. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff’s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

58. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2) and 1602(7).

COUNT IV
NEGLIGENCE – HIRING/RETENTION
AGAINST DEFENDANTS NFL and BUFFALO BILLS

59. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

60. Defendants NFL and/or Buffalo Bills each had a duty to protect Plaintiff when she was present at their official event. Consequently, Defendants owed Plaintiff, in addition to a duty of ordinary care, the high duty of care for adults supervising children within their care and control. Plaintiff was owed by Defendants, at minimum, a duty to be protected from harm inflicted by Defendant Bennett during the course of Plaintiff attending Defendants’ official event.

61. Defendants, by and through their agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Bennett’s dangerous and exploitative propensities and/or that Defendant Bennett was an unfit agent because of his sexual deviancy and history of prior abusive behavior. It was reasonably foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to the patrons of their events, including but not limited to Plaintiff, they would be vulnerable to sexual abuse by Defendants’ agents, servants, and/or employees, including Defendant Bennett.

62. Defendants each breached their duty of care owed to Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of their employees, personnel, or officers, including Defendant Bennett.

63. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

64. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2) and 1602(7).

COUNT V
NEGLIGENT SUPERVISION
AGAINST DEFENDANTS NFL and BUFFALO BILLS

65. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

66. Defendants NFL and/or Buffalo Bills each had a duty to provide reasonable supervision of their employees, agents, and officers, including Defendant Bennett, when he interacted with the patrons of Defendants' official events and to follow up on any reports of misconduct.

67. It was reasonably foreseeable that those employees, agents, and officers, of Defendant NFL and/or Buffalo Bills with known sexual deviancy, including Defendant Bennett,

would act upon these interests and sexually abuse the patrons of their official events, including Plaintiff, unless properly supervised.

68. Defendant NFL and/or Buffalo Bills, by and through its respective agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Bennett's dangerous and exploitative propensities and/or that Defendant Bennett was an unfit agent due to his sexual interest in children and history of criminal behavior.

69. Defendants NFL and/or Buffalo Bills had actual knowledge of Defendant Bennett's dangerous and exploitative propensities and/or that Defendant Bennett was an unfit agent due to his sexual interests and history of criminal behavior.

70. Despite such knowledge, Defendants each breached its duty to provide reasonable supervision of Defendant Bennett and/or to follow up on any reports of misconduct. These failures enabled Defendant Bennett, who was routinely in a position of ready access to the patrons of Defendants' official events, to sexually abuse Plaintiff.

71. At all times relevant hereto, including, but not limited to, during the sexual abuse of minor Plaintiff, Defendant Bennett was acting in the course and scope of his employment with Defendants NFL and/or Buffalo Bills as its agent, apparent agent, servant, employee, and/or officer.

72. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred

and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

73. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2) and 1602(7).

COUNT VI
ASSAULT
AGAINST DEFENDANT BENNETT

74. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

75. Defendant Bennett’s physical molestation and abuse of Plaintiff was entirely unjustified and constitutes an intentional assault upon Plaintiff.

76. Defendant Bennett, by his conduct, placed Plaintiff in fear of imminent harm and offensive conduct.

77. Defendant Bennett’s intentional physical molestation and abuse of Plaintiff was entirely unjustified, done without Plaintiff’s consent, and constituted assault upon Plaintiff.

78. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff’s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred

and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IX
BATTERY
AGAINST DEFENDANT BENNETT

79. Plaintiff repeats, realleges, and reiterates each and every allegation contained in those paragraphs of the Complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

80. Battery is the intentional wrongful physical contact with another person without consent.

81. Defendant Bennett's intentional physical molestation and abuse of Plaintiff was entirely unjustified, done without Plaintiff's consent, and constituted battery upon Plaintiff.

82. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, nightmares, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff SUSAN VANKOUWENBERG respectfully requests that the Court enter judgment in her favor and against Defendants, and issue an order containing the following relief:

- (a) Compensatory and punitive damages against Defendants, together with interest and costs of suit and in excess of any jurisdictional amount requiring compulsory jurisdiction or arbitration;
- (b) Plaintiffs' attorneys' fees and costs;
- (c) Prejudgment interest to the extent permitted by law; and
- (d) Such other and further relief as the Court may deem just and proper.

Dated: Garden City, New York
 August 28, 2021

THE RUSSELL FRIEDMAN LAW GROUP, LLP
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