

SUPREME COURTS OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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JOAN TARSHIS,

Index No. _____/2023

Plaintiff,

VERIFIED COMPLAINT

-against-

WILLIAM COSBY, JR.,

Defendant.

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Plaintiff Joan Tarshis, complaining of William Cosby, Jr., by and through her attorneys, Merson Law, PLLC, and The Bressler Firm LLC, respectfully allege:

1. This action is brought under the Adult Survivors Act, CPLR 214-j, by Joan Tarshis who was sexually abused by defendant William Cosby, Jr. (“Cosby”).
2. At all times relevant, plaintiff Joan Tarshis was a permanent resident and domiciliary of the State of New York.
3. In or around 1969 or 1970, while Ms. Tarshis was temporarily in California, Joan Tarshis met Cosby through a mutual friend.
4. When Ms. Tarshis first met Cosby, she was a young comedy writer and he was the star of *The Bill Cosby Show*.
5. After Cosby learned that Ms. Tarshis was a comedy writer, he invited her to meet with him at the studio lot where *The Bill Cosby Show* was being filmed, under the pretense that Cosby wanted to work with Ms. Tarshis on a skit she was writing.

6. Ms. Tarshis believed, at the time, that the purpose of the visit to the studio lot was solely to work on the skit and for collaboration.

7. Once alone in his bungalow, Cosby offered Ms. Tarshis a beverage, which Ms. Tarshis accepted.

8. Upon information and belief, Cosby had placed or had caused to be placed an unknown intoxicant in the beverage that Cosby provided to Ms. Tarshis, without Ms. Tarshis' consent or knowledge.

9. After Ms. Tarshis had a few sips of the beverage provided to her by Cosby, she felt disorientated and fell unconscious.

10. When Ms. Tarshis awoke, Cosby was undressing her.

11. In response, Ms. Tarshis fought Cosby and pleaded for him to stop.

12. Despite Ms. Tarshis' efforts to resist, Cosby pulled Ms. Tarshis, who was still suffering the effects of the beverage, into a sitting position, and forced his penis into her mouth without Ms. Tarshis' consent.

13. Cosby then forcefully moved Ms. Tarshis' head back and forth while his penis remained in her mouth, until he ejaculated into her mouth, all without Ms. Tarshis' consent.

14. Ms. Tarshis was mortified and feared for her life.

15. Ms. Tarshis did not tell anyone about the assault at the time due to fears for her safety, and feelings of shame, embarrassment, and humiliation.

16. Following the sexual assault, Ms. Tarshis returned to New York.

17. In approximately 1971, Cosby called Ms. Tarshis' home in New York.

18. Cosby initially spoke with Ms. Tarshis' mother, who was unaware of the prior sexual assault.

19. During the call, Cosby told Ms. Tarshis' mother that Ms. Tarshis was talented and that he wanted to invite her to join him at his show at the Westbury Music Fair so that Ms. Tarshis could see a monologue that Cosby claimed Ms. Tarshis had written for him.

20. Though Ms. Tarshis was fearful at the prospect of seeing Cosby again, she had not yet told anyone, including her mother, of the prior sexual assault and she reluctantly agreed to meet with Cosby at the insistence of her mother.

21. Cosby arranged for Ms. Tarshis to be picked up by his limousine and transported to his hotel in Manhattan, prior to their transportation to the Westbury Music Fair.

22. Cosby acted as if the prior sexual assault never occurred.

23. While in Cosby's suite, Cosby offered Ms. Tarshis a beverage, which she accepted and consumed.

24. On the drive to the Westbury Music Fair in Cosby's limousine with Cosby, Ms. Tarshis drank another beverage that was provided to her in an open glass.

25. Upon information and belief, Cosby had placed or had caused to be placed an unknown intoxicant in the beverage and/or beverages that were provided to Ms. Tarshis in his suite and/or limousine, without Ms. Tarshis' consent or knowledge.

26. At the beginning of the show at the Westbury Music Fair, Ms. Tarshis felt weak, as if she was going to pass out.

27. With the assistance of Cosby's limousine driver, Ms. Tarshis returned to the limousine, where she lost consciousness.

28. When Ms. Tarshis awoke, it was the next morning, she was in Manhattan, and she was naked in a bed next to Cosby, who was also undressed.

29. Upon awakening, Ms. Tarshis she felt sore and as if she had been penetrated vaginally and anally while unconscious.

30. Upon information and belief, when Ms. Tarshis was physically incapacitated by the unknown intoxicant, Cosby undressed and raped her, without her consent and when she did not have the capacity to consent.

31. In a deposition filed in the Eastern District of Pennsylvania, defendant Cosby admitted to obtaining drugs to use on women with whom he wanted to engage in sex.

AS AND FOR A FIRST CAUSE OF ACTION FOR BATTERY

32. Plaintiff repeats, reiterates, and realleges every allegation contained in all preceding paragraphs with the same force and effect as if hereafter set forth at length.

33. Cosby's unlawful, abusive, manipulative, and predatory acts against Ms. Tarshis amounted to harmful and offensive contact to Ms. Tarshis' person, each of which was done intentionally by Cosby without Ms. Tarshis' consent.

34. Cosby willfully and lawfully used force or violence upon Ms. Tarshis.

35. Cosby touched Ms. Tarshis with the intent to harm or offend her.

36. Ms. Tarshis did not consent to the touching.

37. Cosby's conduct in touching Ms. Tarshis was harmful and offensive.

38. As a direct and proximate result of the batteries, Ms. Tarshis sustained in the past and will continue to sustain in the future psychological injury, pain and suffering, serious and severe psychological and emotional distress, physical injury, mental anguish, embarrassment, and humiliation.

39. As a direct and proximate result of the batteries, Ms. Tarshis has incurred or will incur medical expenses and other economic damages to cure her of the injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

40. By reason of the foregoing, Ms. Tarshis is entitled to compensatory damages from Cosby in such sums as a jury would find fair, just, and adequate.

41. Cosby's conduct, set forth above, was wanton, reckless, and/or malicious.

42. By reason of the foregoing, Ms. Tarshis is further entitled to punitive damages from Cosby in such sums as a jury would find fair, just, and adequate, to deter Cosby and others from future similar misconduct.

43. As a proximate result of the conduct alleged hereinabove, Ms. Tarshis has suffered damages, including special and general damages, according to proof.

44. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

45. This action falls within exceptions to Article 16 of the CPLR.

AS AND FOR A SECOND CAUSE OF ACTION FOR ASSAULT

46. Plaintiff repeats, reiterates, and realleges every allegation contained in all preceding paragraphs with the same force and effect as if hereafter set forth at length.

47. Cosby's predatory, abusive, manipulative, and unlawful acts against Ms. Tarshis created a reasonable apprehension in Ms. Tarshis of immediate harmful or offensive contact as to Ms. Tarshis person, all of which was done intentionally by Cosby to Ms. Tarshis without her consent.

48. Cosby unlawfully used physical force against Ms. Tarshis.

49. Cosby intentionally placed Ms. Tarshis in reasonable apprehension of immediate bodily harm.

50. Cosby intentionally placed Ms. Tarshis in reasonable apprehension of immediate bodily harm because of the conduct of Cosby.

51. As a direct and proximate result of the assaults, Ms. Tarshis sustained in the past and will continue to sustain in the future serious and severe psychological injuries and emotional distress, physical injury, mental anguish, embarrassment, and humiliation.

52. As a direct and proximate result of the assaults, Ms. Tarshis has incurred or will incur medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of the injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

53. By reason of the foregoing, Ms. Tarshis is entitled to compensatory damages from Cosby in such sums as a jury would find fair, just, and adequate.

54. Cosby's conduct, set forth above, was wanton, reckless, and/or malicious.

55. By reason of the foregoing, Ms. Tarshis is further entitled to punitive damages from Cosby in such sums as a jury would find fair, just, and adequate.

56. As a proximate result of the conduct alleged hereinabove, Ms. Tarshis has suffered damages, including special and general damages, according to proof.

57. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

58. This action falls within exceptions to Article 16 of the CPLR.

**AS AND FOR A THIRD CAUSE OF ACTION FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

59. Plaintiff repeats, reiterates, and realleges every allegation contained in all preceding paragraphs with the same force and effect as if hereafter set forth at length.

60. Cosby engaged in outrageous and extreme conduct toward Ms. Tarshis with the intention to cause, or with reckless disregard for the probability of causing, Ms. Tarshis to suffer severe emotional distress.

61. Cosby knew Ms. Tarshis was incapacitated and could not consent, and he intended to sexually batter Ms. Tarshis with a complete disregard of the physical and emotional trauma caused to Ms. Tarshis.

62. As a proximate result of the outrageous and extreme conduct of Cosby in assaulting and battering Ms. Tarshis, Ms. Tarshis suffered and continues to suffer

from extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, in amounts to be proven at trial.

63. As a direct and proximate result of the intentional infliction of emotional distress, Ms. Tarshis sustained in the past and will continue to sustain in the future psychological injury, pain and suffering, serious and severe psychological and emotional distress, physical injury, mental anguish, embarrassment, and humiliation.

64. As a direct and proximate result of the intentional infliction of emotional distress, Ms. Tarshis has incurred and will incur medical expenses and other economic damages in an effort to cure herself of the injuries and to alleviate her pain and suffering, emotional distress, physical injury, mental anguish, embarrassment, and humiliation. By reason of the foregoing, Ms. Tarshis is entitled to compensatory damages from Cosby in such sums as a jury would find fair, just, and adequate.

65. Cosby's conduct, set forth above, was wanton, reckless, and/or malicious.

66. By reason of the foregoing, Ms. Tarshis is further entitled to punitive damages from Cosby, in such sums as a jury would find fair, and adequate.

67. As a proximate result of the conduct alleged hereinabove, Ms. Tarshis has suffered damages, including special and general damages, according to proof.

68. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

69. This action falls within exceptions to Article 16 of the CPLR.

**AS AND FOR A FOURTH CAUSE OF ACTION
FOR FALSE IMPRISONMENT AS AGAINST BILL COSBY**

70. Plaintiff repeats, reiterates, and realleges every allegation contained in all preceding paragraphs with the same force and effect as if hereafter set forth at length.

71. Cosby, intentionally and without the right to do so, confined Ms. Tarshis.

72. Ms. Tarshis was aware of her confinement.

73. As a direct and proximate result of the false imprisonments, Ms. Tarshis sustained in the past and will continue to sustain in the future psychological injury, pain and suffering, serious and severe psychological and emotional distress, physical injury, mental anguish, embarrassment, and humiliation.

74. As a direct and proximate result of the false imprisonments, Ms. Tarshis has incurred and will incur medical expenses and other economic damages in an effort to cure herself of the injuries and to alleviate her pain and suffering, emotional distress, physical injury, mental anguish, embarrassment, and humiliation. By reason of the foregoing, Ms. Tarshis is entitled to compensatory damages from Cosby in such sums as a jury would find fair, just, and adequate.

75. Cosby's conduct, set forth above, was wanton, reckless, and/or malicious.

76. By reason of the foregoing, Ms. Tarshis is further entitled to punitive damages from Cosby, in such sums as a jury would find fair, and adequate.

77. As a proximate result of the conduct alleged hereinabove, Ms. Tarshis has suffered damages, including special and general damages, according to proof.

78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

79. This action falls within exceptions to Article 16 of the CPLR.

WHEREFORE, Plaintiff demands judgment against Defendants in such sum as a jury would find fair, adequate, and just.

Dated: New York, New York
November 17, 2023

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ATTORNEY VERIFICATION

JORDAN RUTSKY, ESQ., an attorney duly admitted to practice in the Courts of New York State, and a member of MERSON LAW, PLLC., attorneys for Plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true. That the sources of his information and knowledge are investigations and records in the file. That the reason this verification is made by affirmant and not by the Plaintiff is that the Plaintiff are not within the County where the attorney has his office.

Dated: New York, New York
 November 17, 2023

/s/ Jordan Rutsky
JORDAN RUTSKY, ESQ.