

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

-----X
JACOB FRYDMAN

Plaintiff,

-against-

ELI VERSCHLEISER

Defendant.
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Index No.: _____

COMPLAINT

[JURY TRIAL DEMANDED]

JACOB FRYDMAN (hereafter “Frydman”) by his attorneys Simon & Partners LLP, for his complaint (“Complaint”) against Defendant ELI VERSCHLEISER (hereafter “Verschleiser”), alleges the following:

The Parties

1. Frydman is, and at all times relevant to the allegations in this Complaint was, a resident of the State of New York.
2. Verschleiser is, and at all times relevant to the allegations in this Complaint was, a resident of the State of New York.

Jurisdiction and Venue

3. This Court has jurisdiction over the parties and this proceeding pursuant to CPLR §§ 301 and 302(a), as Verschleiser is domiciled in New York and has committed tortious acts in New York from which the claims asserted herein arise.

FIRST CAUSE OF ACTION: BATTERY

4. Frydman and Verschleiser are former business partners. They are now adversaries in various disputes that are currently being litigated both in the United States District Court for the Southern District of New York, and also before an arbitration panel

(hereafter the “Arbitration”).

5. Frydman is a 60 year old man who is approximately 5’ 9” tall. Verschleiser is a 43 year old year old man who is approximately 6’ 4” feet tall. Verschleiser weighs approximately 100 pounds more than Frydman.

6. On January 10, 2018, Frydman was being deposed in connection with the Arbitration before JAMS. The location of the deposition was 44 Wall Street in New York County.

7. Verschleiser, who represents himself *pro se* in that action, noticed the deposition of Frydman, and the parties agreed to commence at 9:30 AM, with Verschleiser asking the questions. The other respondents, all represented by David Fryman (no relation to Mr. Frydman), were to be present, and at the end of Verschleiser’s questioning of Frydman, David Fryman was to ask any additional questions which Verschleiser did not ask.

8. Frydman appeared at 9:30 a.m., and neither Verschleiser nor Fryman were present. Fryman, however, appeared just after 10 a.m. Because Verschleiser was not present at that time (and all other parties were) Fryman commenced deposing Frydman.

9. Verschleiser did not appear until shortly after 4:00 p.m. – more than 6 hours late for a 7 hour deposition that he scheduled.

10. Upon entering the room, Verschleiser disrupted the in-progress deposition, and attempted to take over.

11. All the attendees reminded Verschleiser that Mr. Fryman was not completed with his inquiry of Mr. Frydman. In addition, all present informed Verschleiser that because he was six hours late for a seven hour deposition *that he had*

noticed, he had, in their opinion, forfeited his right to ask questions. Verschleiser protested and all parties agreed to contact the arbitrators to seek further direction. Verschleiser then became agitated and began yelling, in sum and substance, “this was his deposition, I am ending Fryman’s inquiry,” and demanded to continue with him conducting the inquiry. Verschleiser also commenced insulting Frydman and spewing epithets at Frydman.

12. Although a call was placed to the arbitrators, the parties were unable to contact them at that time.

13. As a result of Versheiser’s verbal attack, Frydman stated that he would not continue to remain in the room and that he was terminating the deposition to await the decision of the arbitrators once they could be contacted. Frydman then attempted to leave the building. Verschleiser, however, a younger, larger and physically more powerful man than Frydman, followed Frydman into the small, confined space of an elevator where Verschleiser knowingly, willfully and intentionally attacked Frydman.

14. Among other things, with no legal justification, Verschleiser struck Frydman with his fists about the head, abdomen and legs. Verschleiser scratched Frydman’s face¹ and pulled out portions of Frydman’s hair, which remained on the elevator floor when Frydman was later discovered by the building’s security personnel.

15. Among other things, Verschleiser threw Frydman to the floor, stomped upon on his chest with his feet and placed all of his weight on Frydman’s chest. Verschleiser also kicked Frydman in in back, chest, abdomen and elsewhere while Frydman lay on the elevator floor in agony.

16. Frydman attempted on multiple occasions to pull the emergency alarm

¹ During this scratching, in self defense, Frydman bit one of Verschleiser’s fingers.

button in the elevator, while screaming for help, but Verschleiser, standing over Frydman, stopped him from reaching that button.

17. When the elevator reached the bottom floor, Verschleiser pressed an upper floor button, thereby sending the elevator back up, while Verschleiser continued his brutal beating of Frydman.

18. The elevator journeyed up and down multiple times while Verschleiser continued kicking, beating, and stomping on Frydman. At the same time, Verschleiser threatened Frydman in sum and substance, “if you [Frydman] do not immediately end the lawsuits against me [Verschleiser], I will put an end you” [Frydman].

19. Verschleiser did this with the intent to cause (and did cause) physical injury and harmful contact to Frydman’s person.

20. Verschleiser did this without the permission, authority or even provocation of Frydman.

21. As a direct and proximate result of Verschleiser’s conduct, Frydman suffered physical injuries including, but not limited to, having his hair pulled out, his face scratched, his ribs stomped upon, his body bruised from punches and kicks, resulting in Mr. Frydman seeking medical treatment.

22. As a direct and proximate result of Verschleiser’s conduct set forth above, Frydman was required to seek immediate medical services and treatment at the time of the incident from Presbyterian Downtown Hospital. Two days thereafter, as a continuing result of the physical injuries caused by Verschleiser’s vicious and unprovoked attack, Frydman sought additional medical treatment at Northern Dutchess Hospital in Rhinebeck New York, for severe pain and suffering.

23. This was not the first time Verschleiser has physically attacked Frydman.

24. During another deposition, held at JAMS, New York offices several months earlier, Verschleiser followed Frydman into the restroom, and proceeded to assault him by punching him and spitting on him.

25. When Mr. Frydman returned to the deposition room he reported the event to the arbitrators, and put it on the record.

26. Frydman had discovered, and has obtained affidavits from witnesses who state under oath, that they witnessed Verschleiser previously (i) offer to hire criminals to follow Mr. Frydman when he was to appear in court and stick him with a syringe filled with LSD so that he would behave “insane”; (ii) offered to pay \$50,000.00 to hire prostitutes to lure Mr. Frydman to a hotel to photograph him, and use the pictures to blackmail Mr. Frydman; and (iii) spoke of hiring someone to kill Mr. Frydman.

27. In addition to the physical injuries and harm noted above, Frydman has also suffered extreme mental anguish and emotional distress and has sought and continues to require psychological counseling.

28. As a result of the foregoing, Frydman has sustained damages in an amount to be determined at trial.

SECOND CAUSE OF ACTION: ASSAULT

29. Frydman repeats and re-allege the allegations contained in paragraphs 1 through 11 above as if fully set forth herein.

30. Verschleiser intended to cause (and did cause) Frydman to suffer apprehension of an immediate harmful contact.

31. As a result of the foregoing, Frydman has sustained damages in an amount

to be determined at trial.

**THIRD CAUSE OF ACTION: INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

32. Defendant repeats and re-alleges the allegations contained in Paragraphs 1 through 14 above as if fully set forth herein.

33. Verschleiser's conduct was intentional and malicious and done solely for the purpose of causing Frydman to suffer humiliation, mental anguish, emotional pain and physical distress.

34. Verschleiser's conduct was extreme and outrageous.

35. Verschleiser's conduct constituted wanton and willful acts.

36. As a result of the foregoing, Frydman has sustained damages in an amount to be determined at trial.

JURY DEMAND

37. Plaintiff demands a trial by jury as to all issues triable of right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment as follows:

- (a) General damages to be determined by proof at trial;
- (b) Medical and related expenses in amount to be determined by proof at trial;
- (c) Punitive damages;
- (d) Attorney's fees, costs and expenses related to this action
- (e) Such other relief as this Court deems just and proper.

Dated: New York, New York
January 25th, 2018

/s/ Bradley D. Simon
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