

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

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LENNY DYKSTRA,

Index No.:

Plaintiff,

-against-

**COMPLAINT**

ST. MARTIN'S PRESS LLC,  
MACMILLAN PUBLISHING GROUP, LLC,  
and RONALD DARLING JR.,

Plaintiff Demands a  
Trial by Jury

Defendants.  
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Plaintiff, LENNY DYKSTRA ("Plaintiff" or "Mr. Dykstra"), by and through his attorneys, LEVINE & BLIT, PLLC, complaining of Defendants ST. MARTIN'S PRESS LLC ("St. Martin's"), MACMILLAN PUBLISHING GROUP, LLC ("Macmillan"), and RONALD DARLING JR. ("Darling") (collectively "Defendants") hereby alleges:

**PRELIMINARY STATEMENT**

1. This is an action for defamation and libel. Plaintiff has no choice but to bring this action to defend his name and reputation. Upon information and belief, merely to sell books and indulge in public self-promotion, Darling has sought to capitalize on Plaintiff's complicated past, and intentionally, falsely and maliciously portrayed Plaintiff as a racist, an irremovable stain and permanent cloud which will forever diminish Mr. Dykstra, stalk him, and preclude him from unknowable professional and personal relationships and benefits.

2. Plaintiff seeks injunctive and declaratory relief; an award of monetary damages caused by Defendants' unlawful conduct; an award of compensatory damages, including emotional distress damages for loss of opportunities, for the severe mental anguish, loss of reputation, and humiliation, caused by Defendants' unlawful and malicious conduct; an award of

punitive damages; an award of prejudgment interest; Plaintiff's reasonable attorneys' fees; costs of this action; and any such other and further relief that this Court deems just and equitable.

### **JURISDICTION AND VENUE**

3. Jurisdiction is proper in this Court pursuant to New York CPLR § 301.

4. Venue is proper in this Court pursuant to New York CPLR § 503, as Defendant St. Martin's conducts business in New York, New York; Defendant Macmillan conducts business in New York, New York; and Defendant Darling conducts business in New York, New York.

### **THE PARTIES**

5. Plaintiff is a retired Major League Baseball player who formerly played for both the New York Mets and Philadelphia Phillies, whose playing career spanned from 1985-1996. Plaintiff won the World Series with the New York Mets in 1986. Plaintiff has spent his post-playing career active in the sports, entertainment, finance and publishing industries.

6. Defendant St. Martin's is a publishing company. According to St. Martin's website, St. Martin has an office based in the Flatiron Building in New York, New York.

7. Defendant Macmillan is a "global trade publishing company." Upon information and belief, St. Martin is one of Macmillan's publishers.

8. Defendant Darling is a retired Major League Baseball player for the New York Mets, Montreal Expos, and Oakland Athletics.

9. Plaintiff and Defendant Darling were teammates on the 1986 World Champion New York Mets.

### FACTUAL ALLEGATIONS

10. On or about April 2, 2019, Defendant Darling, through Defendants St. Martin's and Macmillan, published a book entitled *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game*.

11. Apparent from the book's title and content is Darling's blatant attempt to sell his latest publication through, upon information and belief, a strategy of sensationalizing and shocking his audience, at the expense of no less than Mr. Dykstra, who Darling apparently considered an easy target due to his past.

12. Notably, this latest of Darling's publications is a stark departure from his prior books, which, upon information and belief, were more stoic and analytical portrayals of historical and functional aspects of the game. Based on the defamatory comments within, Darling clearly stretched and exceeded the bounds of reality in contriving this latest work.

13. In his book, Darling falsely and unashamedly claims, that during Game 3 of the 1986 World Series, Plaintiff said "every imaginable and unimaginable insult and expletive in [Dennis "Oil Can" Boyd'] direction – foul, racist, hateful, hurtful stuff. . . . [I]t was the worst collection of taunts and insults I'd ever heard. . . ."

14. More specifically, Darling states the following:

I only played a few hot minutes with Dennis 'Oil Can' Boyd, the momentarily great Red Sox pitcher who featured significantly in the team's turnaround in the late 1980s. We were teammates on the Montreal Expos for a couple weeks in 1991 – but we had a history before that, of course. Dennis was one of the workhorse stars of the Red Sox 1986 pitching staff. He'd won 16 games that year for Boston and was slated to start Game 7 of the World Series against yours truly, before a rainout pushed the game back another day and left-hander Bruce Hurst, on closer-to-full-rest, was tabbed instead – here again, against yours truly.

In Game 3 of the 1986 World Series, though, Oil Can was on the receiving end of the ugliest piece of vitriol I've ever heard — in a bar, on a baseball diamond ... anywhere. It was right up there with one of the worst, most shameful moments I

ever experienced in the game, and one of the great shames of the exchange was that I sat there with my teammates and didn't do a damn thing about it. In fact, it resulted in a momentum shift that probably turned the Series around for us, and like most of the other guys on the bench, I stood and cheered at the positive outcome.

Recall, the Mets had dropped the first two games at home in that Series — a nail-biter and a laugh. Going into Game 3 at Fenway Park, on the heels of that lopsided loss at Shea, we were feeling the pressure. I was tempted to write that we were really feeling the pressure, but this team wasn't like that. This team was arrogant, always believed it would win it all, never mind what it said on the scoreboard or in the box score. Still and all, it was a must-win for the good guys, only we didn't exactly come across as good guys on this.

The hero of Game 3 for us was also the a-hole of the game — Lenny Dykstra, one of baseball's all-time thugs. You know how there always seems to be a guy in every organization, in every walk of life, who gets away with murder — murder being a figurative term in this case? That was Lenny. He was a criminal in every sense, although during his playing days his crimes were mostly of an interpersonal nature. He treated people like s-t, walked around like his s-t didn't stink and was generally a s—y human being — and, just maybe, the most confident, cocky player I would ever encounter. It was after he left the game, though, that his behavior took a truly criminal turn; he ended up being sentenced to house arrest on a bankruptcy fraud indictment, and he was also up on drug-possession and grand-theft-auto charges, for which he received a three-year prison sentence.

Not exactly the poster boy for America's game, huh?

Lenny was leading off for us that night, as he did most nights when he was in the lineup, and as Oil Can was taking his final warmups on the mound, Lenny was in the on-deck circle shouting every imaginable and unimaginable insult and expletive in his direction — foul, racist, hateful, hurtful stuff. I don't want to be too specific here, because I don't want to commemorate this dark, low moment in Mets history in that way, but I will say that it was the worst collection of taunts and insults I'd ever heard — worse, I'm betting, than anything Jackie Robinson might have heard, his first couple times around the league. Way worse than the Hollywood version of opposing players' mistreatment of Jackie that was on display in "The Jackie Robinson Story." Way worse than whatever Kevin Garnett had famously said to get under Carmelo Anthony's skin the night Melo went looking for K.G. in the locker room after a Celtics-Knicks game in 2013.

And yet whatever Lenny shouted at Oil Can out there on the mound that night might have had the desired effect, because Dennis looked rattled. It's amazing to me, looking back, that there's no footage from the game revealing Lenny's treachery. He was out there shouting this stream-of-unconscionable s-t in plain sight, in earshot of anyone in one of the front rows and certainly in range of the cameras and

microphones that had been set up to record the game, but I guess the attention was elsewhere.

To be clear, bench-jockeying has a long and fine tradition in the game, and there's a fine art to it, but there are lines that are not meant to be crossed. Wives and girlfriends are usually off-limits, except if a taunt is offered in a benign, nonspecific way — as in, “Tell your wife to stop calling my room!” (In popular usage, offered by a beer-soaked fan taunting you from the stands.) Racial or religious or sexual slurs are typically out-of-bounds as well. For the most part, the razzing is limited to the target's physical appearance or his skills as a ballplayer — as in, “You can't even run to first without getting gassed.” Or, on an attempted bunt: “Who's gonna run for you.” Or, apropos of pretty much anything: “You ain't got s-t today.”

But this stuff coming out of Lenny's mouth was beyond the pale.

Unprintable, unmentionable, unforgettable. And, like I said, he was landing his punches: First at-bat of the game, Lenny smoked a 1-1 pitch deep down the right-field line for a home run, igniting a four-run rally and setting us up to take back some of the momentum we'd lost in the opening games at Shea.

Lenny came back to the dugout and collected the high-fives and huzzahs that came his way, and for all I know, I was right there with my teammates, thrilled to be back in this thing.

It's only in retrospect that I started to feel somewhat complicit and that by accepting the gifts that fell Lenny's way as a result of his ugly treatment of the opposing pitcher, I was an accomplice of a kind

15. Darling's self-congratulatory summation of the fictional portrayal of the beginning of Game 3 is an obvious attempt to contrast himself to Mr. Dykstra, a person to whom Darling shows nothing but contempt and malice throughout the piece. Notice Darling's malicious descriptions of Mr. Dykstra in the above excerpt: 'a-hole', a 'criminal in every sense', akin to a 'murderer', a 's---ty human being'. Darling seeks to prop himself up, by destroying Mr. Dykstra.

16. Categorically, Darling's sensationalism is false and self-serving, as no such racist tirade ever occurred. Notably, while Darling sought to convince his readers of the truth of the matter by asserting that, “I sat there with my teammates and didn't do a damn thing about it,” Darling's own teammates, including Wally Backman, the gritty and highly respected former Met

who was *standing right next to Mr. Dykstra* when the fictional ‘tirade’ supposedly occurred, have already publicly supported Mr. Dykstra. As per Mr. Backman, “He (Mr. Dykstra) did not say that. That’s a fact.” “I was on deck with Lenny and I’ll leave it at this: I know he didn’t say that,”

17. Moreover, other esteemed former teammates of the author, including the accomplished African American ballplayers Darryl Strawberry, Dwight Gooden and Kevin Mitchell, have also all publicly stated that Darling’s account is false, and that Mr. Dykstra made no such racist statements to Mr. Boyd.

18. Mr. Strawberry, for example, has publicly stated: “You don’t do that. . . . You don’t make up things about a person that other players didn’t hear or other players didn’t know about. . . . I never heard Lenny say anything racist. Never, ever. He’s not. I know this guy.”

19. Most astonishingly, Dennis ‘Oil Can’ Boyd, the supposed target and victim of Darling’s fabricated racist rant, has publicly denied hearing or knowing anything about such rant. Mr. Boyd, who has not been hesitant about publicly chastising other white ballplayers as racist, including the Hall of Famer Wade Boggs, denied any knowledge of Darling’s account and further commented about his experiences with Mr. Dykstra: “I have been around Lenny and I played ball with Lenny in Japan and he didn’t seem to come off as that type of a person. . . . The person I saw, I liked. The person that I talked to, I liked.” Boyd’s account is in stark contrast to Darling’s defamatory portrayal of the incident, claiming that Boyd ‘looked rattled’ after the alleged racist rant, and that the fictional racist rant had the ‘desired effect’, as ‘it resulted in the momentum shift that turned the series around for us. Rather, Boyd heard no such rant, and was not ‘rattled’, as no such rant ever occurred.

20. Upon information and belief, Darling conjured the fictional account to intentionally exploit Mr. Dykstra, and profit at his considerable expense, while acting consciously and maliciously throughout this defamatory act.

21. Upon information and belief, Defendants St. Martin's and Macmillan's did not make any efforts whatsoever to verify Darling's claims.

22. Since the publishing of the book, news articles, radio shows, and television shows around the country have discussed Darling's book. Defendant Darling has further defamed Plaintiff by appearing on various talk shows to explicitly discuss his comments about Plaintiff.

23. As a result, Plaintiff's name has been damaged due to Darling's intentional portrayal of Mr. Dykstra in his book as a racist, which is patently untrue.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS**

(Action for Defamation and Defamation Per Se)

24. Plaintiff hereby repeats and realleges each allegation contained in Paragraphs 1 through 23 as if fully set forth at length herein.

25. Plaintiff is a public figure.

26. As articulated above, Darling wrote in his book, *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game* a false and fictionalized account of apparent statements made by Mr. Dykstra to Mr. Boyd in the 1986 World Series, including specifically that Plaintiff was 'shouting every imaginable and unimaginable insult and expletive in his (Boyd's) direction – foul, racist, hateful, hurtful stuff...worse...than anything Jackie Robinson might have heard, his first time around the league.' With that false account, Darling forever branded Mr. Dykstra a racist, who specifically made racist remark to Mr. Boyd prior to Game Three of the 1986 World Series.

27. Mr. Dykstra made no such foul, racist, hateful statements to Mr. Boyd during the

1986 World Series. Darling's statement regarding Plaintiff in *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game* are false.

28. In addition, upon information and belief, St. Martin's Press and Macmillan failed to contact Dennis "Oil Can" Boyd regarding the matter, and other Met's teammates regarding Darling's statement in his book about Plaintiff, yet still published Darling's book.

29. St. Martin's Press and Macmillan published *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game* which included the false statement about Plaintiff.

30. Upon information and belief, Darling reiterated these false and maliciously damaging statements about Plaintiff in a statement on or about April 4, 2019, by saying that he "stands by" what he wrote in his book *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game*. In addition, upon information and belief, Darling reiterated those false and maliciously damaging statements about Plaintiff in various talk shows since the publishing of his book.

31. Darling's statement made on or about April 4, 2019 are false. Darling's statements in his book regarding Plaintiff were utterly false and willfully and maliciously stated to attack Plaintiff's abilities as a professional athlete, person, and ability to earn a living going forward. St. Martin's Press and Macmillan published Darling's book, which is utterly false and was a willful and malicious attack on Plaintiff's abilities and character, as well on Plaintiff's ability to earn a living going forward.

32. Darling made the above-articulated defamatory statements against Plaintiff as statements of alleged facts, in which St. Martin's Press and Macmillan published.

33. Defendants are privy to the fact that Plaintiff did not say those racial slurs and St.



Martin's Press and Macmillan failed to verify Darling's statement prior to them publishing the book.

34. Defendants St. Martin's and Macmillan were grossly irresponsible by not following the standards used by responsible parties, by specifically not using due consideration for the standards of information dissemination and gathering.

35. Based on the failure to verify Darling's statement regarding Plaintiff in the book he wrote, St. Martin's Press and Macmillan knew or recklessly disregarded the fact that Plaintiff was not shouting racial slurs at Dennis "Oil Can" Boyd.

36. Based on the false statement Darling wrote in his book regarding Plaintiff, Darling knew or recklessly disregarded the fact that Plaintiff was not shouting racial slurs at Dennis "Oil Can" Boyd.

37. These false and defamatory statements were published and, upon information and belief, widely disseminated internationally, through hardcopy and online print without privilege or authorization from Plaintiff.

38. Darling wrote and St. Martin's Press and Macmillan published these false and defamatory statements about Plaintiff's professional reputation, character, and abilities with knowledge of their falsity. These statements were motivated by a malicious desire to defame Plaintiff's reputation, damage his career, and/or were made with a complete disregard for the truth and the consequences of such defamatory statements.

39. These false and defamatory statements, written and published in the book *108 Stitches: Loose Threads, Ripping Yarns, and the Darndest Characters from My Time in the Game* constitute defamation per se because Defendants stated false facts that injure Plaintiff in his business or trade. These statements needlessly and viciously subjected Plaintiff to public contempt,

ridicule and disgrace in the entertainment community. For example, people have already begun calling Plaintiff a racist after Darling's book *108 Stitches* was published.

40. Under New York law, the false statements constitute defamation per se, as they injure Plaintiff in his business or trade and are reasonably susceptible to a defamatory connotation.

41. As a result of Defendants' false and defamatory statements, Plaintiff has suffered and continues to suffer emotional distress, mental anguish, loss of self-esteem, public disgrace, loss of opportunity, and loss of standing in the entertainment and sports communities.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS**

(Intentional Infliction of emotional Distress)

42. Plaintiff hereby repeats and realleges each allegation contained in Paragraphs 1 through 41 as if fully set forth at length herein.

43. Defendants engaged in conduct towards Plaintiff that is extreme and outrageous so as to exceeds the bounds of decency in a civilized society.

44. Defendants knew or should have known that making libelous statements about Plaintiff's behavior, credibility and integrity in his profession, either intentionally or without any investigation into the truth of such statements, would subject Plaintiff to emotional distress, mental anguish, shame, disgrace, ridicule, loss of standing in the entertainment community, and irreparable harm to his professional reputation.

45. By Defendants actions and conduct, Defendants intended to and/or recklessly caused Plaintiff to suffer severe emotional distress.

46. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer, severe emotional distress, for which he is entitled to an award of damages.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury in this case.

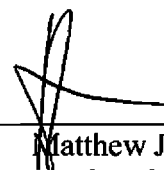
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment containing the following relief:

- a) An order enjoining Defendants from engaging in the conduct alleged herein;
- b) An order declaring Defendants Darling, St. Martin's and Macmillan violated New York Law by publishing a book with untrue statements;
- c) An award of damages to compensate Plaintiff for loss of opportunities, financial damages, emotional distress and mental anguish suffered as a result of Defendants' unlawful conduct, in an amount to be determined at trial;
- d) An award of punitive damages in an amount to be determined at trial;
- e) An award of Plaintiff's reasonable attorneys' fees;
- f) An award of interests and costs of this action; and
- g) Any such other and further relief this court deems just and equitable.

Dated: April 9, 2019  
New York, New York

LEVINE & BLIT, PLLC



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