

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X

USMAN MAKHDOOM,

Plaintiff,

-against-

DARUL-ULOOM AL-MADANIA, INC., ISMAIL  
MEMON AND JOHN DOES 1-5,

Defendants.

-----X

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the complaint in this action within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
August 6, 2021

The Law Firm of Andrew M. Stengel, P.C.  
Cooper Erving & Savage LLP  
*Attorneys for Plaintiff Usman Makhdoom*



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SUPREME COURT OF THE STATE OF NEW YORK  
ERIE COUNTY

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USMAN MAKHDOOM,

Plaintiff,

-against-

DARUL-ULOOM AL-MADANIA, INC., ISMAIL  
MEMON AND JOHN DOES 1-5,

Defendants.

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Index No.

**VERIFIED COMPLAINT**

Jury Trial Demanded

**NATURE OF ACTION**

1. Pursuant to CPLR 214-g, New York’s Child Victims Act (the “CVA”), Plaintiff brings this revival action to vindicate his rights. The CVA historically opened a period for victims and survivors of childhood sexual abuse in the State of New York to pursue claims that would otherwise be untimely.

2. Plaintiff Usman Makhdoom is a 40-year-old resident of Ontario, Canada.

3. From or about September 1994 to or about August 1995 Plaintiff attended and lived at Defendant Darul-Uloom Al-Madania, Inc.’s Boys’ School in Buffalo, New York, during the academic years.

4. During his time as a student from the approximate ages of 13 to 14 years old, Plaintiff was sexually abused and sexually assaulted by Ismail Memon, the founder of the Boys’ School, its principal and/or headmaster.

5. Beginning when Plaintiff was approximately 13 years old Memon summoned Plaintiff to his office inside of the school mosque where Memon told Plaintiff “come here so I can show love to you” in Urdu before sexually assaulting Plaintiff by fondling and manipulating

Plaintiff's penis and kissing Plaintiff.

6. Plaintiff was scared to report the sexual abuse and sexual assaults in part due to the public beatings that Memon would inflict upon young Boys' School students, sometimes with the use of weapons.

7. As a result of the sexual abuse and sexual assaults, Plaintiff has suffered severe psychological and emotional trauma and he has been diagnosed with anxiety disorder and post-traumatic stress disorder.

**PARTIES, JURISDICTION AND VENUE**

8. Plaintiff Usman Makhdoom is a citizen of Canada and at all relevant times to this complaint, he was living in Buffalo, New York, in the care and custody of Darul-Uloom Al-Madania, Inc. and its Boys' School.

9. At all times relevant, and to the present day, Darul-Uloom Al-Madania, Inc. is and was a domestic religious corporation organized under Article 9 of the Religious Corporation Law of the State of New York that offers Islamic education to students from kindergarten to 10th grade. Darul-Uloom Al-Madania Boys' School is owned, operated and controlled by Defendant Darul-Uloom Al-Madania, Inc.

10. Defendant Ismail Memon ("Memon") is the individual who committed the illegal, heinous and immoral acts described herein that give rise to Plaintiff's allegations. Memon is believed to be a citizen of Canada and resides within that country.

11. Defendants John Doe 1-5 are fictitious names intended to represent the names of any and all employees, contractors, or other organizations or persons who should have done something to stop or prevent the abuse.

12. This Court has jurisdiction over the subject matter of this action and the parties

pursuant to CPLR 301.

13. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

14. Venue is proper in Erie County pursuant to CPLR 503 because Defendant Darul-Uloom Al-Madania, Inc.'s principal office is located in Erie County and/or resides in Erie County and/or a substantial part of the events giving rise to the claims occurred in Erie County.

**CHILD VICTIMS ACT**

15. Each of Plaintiff's causes of action is timely pursuant to New York's Child Victims Act (CPLR 214-g), which was enacted on February 14, 2019. Plaintiff alleges that Defendants committed intentional or negligent acts or omissions that resulted in Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct that constitutes sexual offenses committed against a child less than 18 years of age, as defined in Article 130 of the New York State Penal Law. This action is commenced within the time limits of CPLR 214-g.

**JURY DEMAND**

16. Plaintiff demands a trial by jury on all issues so triable.

**FACTUAL ALLEGATIONS**

17. At all times relevant and material hereto, Defendant Darul-Uloom Al-Madania, Inc. was responsible for providing for the care, protection and safety of students enrolled and living at and within its Boys' School in Buffalo, New York.

18. At all times relevant and material hereto, Defendant Memon was the founder of Defendant Darul-Uloom Al-Madania, Inc.'s Boys' School and its principal and/or headmaster.

19. At all times relevant and material hereto, Defendant Memon was on the staff of, acted as an agent and served as an employee of Defendant Darul-Uloom Al-Madania, Inc. and worked at the Boys' School that Plaintiff attended.

20. From or about September 1994 to or about August 1995, from the approximate ages of 13 to 14 years old, Plaintiff was a student at the Boys' School of Defendant Darul-Uloom Al-Madania, Inc.

21. At all relevant times throughout the academic year Plaintiff lived at the school located in Buffalo, New York.

22. In or about early 1995 when Plaintiff was a student at the Boys' School and prior to the sexual assault of Plaintiff by Memon, another student who was approximately 12 years old was sexually molested by a Boys' School teacher on multiple occasions and the teacher was subsequently fired.

23. Upon information and belief, the teacher was fired because he sexually molested the student.

24. Upon information and belief, the sexual molestation of the student by the teacher was known to Defendant Memon and administrators of the Boys' School, but Defendant Darul-Uloom Al-Madania, Inc. did not act to protect other students, including Plaintiff, from future sexual abuse or sexual assaults.

25. Students including Plaintiff feared making complaints about Darul-Uloom Al-Madania or its Boys' School to administrators because students were punished if they or even a member of their family made a complaint. After Plaintiff's mother complained to a Boys' School administrator about the dirty conditions of a room, the administrator withheld Plaintiff's canteen funds that he used to buy food.

26. At all relevant times, administrators and employees of Darul-Uloom Al-Madania, Inc. fostered a culture of physical abuse and secrecy by regularly beating students, which included the use of weapons.

27. Ibrahim Memon, the son of Defendant Memon, was the head teacher during Plaintiff's attendance at the Boys' School. Ibrahim Memon routinely inflicted physical punishment upon students of the Boys' School inside the school mosque and in front of other students.

28. While Plaintiff was a student at the Boys' School, as punishment for a 13-year-old male student who missed curfew, Ibrahim Memon beat the young teenage boy with a wooden 2"x4" about the student's head and body for approximately 20 minutes on a platform inside of the mosque in front of the other students. When Ibrahim Memon's physical assault was complete, the student's white topi, or skullcap, and his white kurtah, or tunic, was red with the student's blood.

29. On another occasion, while Plaintiff was still a student, as punishment for a 7-year-old boy who urinated in his pants because he did not want to interrupt his prayers to use the bathroom for fear of punishment, Ibrahim Memon punched and kicked the student for several minutes, which later caused bruising throughout the boy's body, in the view of other students while the students were assembled in a circle in the mosque.

30. In or about mid-1995, when Plaintiff was approximately 13 years old, Defendant Memon summoned Plaintiff to a meeting at Memon's office inside of the mosque.

31. The first time that Plaintiff went to the office at Defendant Memon's request, Defendant Memon lectured Plaintiff about disagreements with another student.

32. When Defendant Memon's lecture was over, he stated to Plaintiff in Urdu "come here so I can show love to you."

33. Defendant Memon's then kissed and licked Plaintiff's face and stuck his tongue inside of Plaintiff's mouth.

34. Defendant Memon repeated these sexual assaults inside of the mosque office twice more approximately one month apart, summoning Plaintiff to his office under the pretense of imparting Islamic advice, and each time the sexual assault was preceded by Defendant Memon's statement "come here so I can show love to you."

35. Approximately four months after the sexual assaults began, Defendant Memon continued to summon Plaintiff to his office inside of the mosque under the pretense of imparting Islamic advice. In addition to kissing and licking Plaintiff's face, and sticking his tongue inside of Plaintiff's mouth, Defendant Memon reached into Plaintiff's pants and held Plaintiff's penis. Defendant Memon then fondled and manipulated Plaintiff's penis in an up and down motion, which lasted several minutes.

36. On two additional occasions, also approximately one month apart, Defendant Memon repeated this behavior of fondling and manipulating Plaintiff's penis as well as kissing and licking Plaintiff's face and sticking his tongue inside of Plaintiff's mouth

37. The acts of Defendant Memon against Plaintiff constitute the crimes of Sexual Abuse in the First Degree, Penal Law § 130.65(1), Sexual Abuse in the Second Degree, Penal Law § 130.60(2), Sexual Abuse in the Third Degree, Penal Law § 130.55, and Forcible Touching, Penal Law § 130.52(1), and attempts to commit all of the foregoing, against Plaintiff.

38. Plaintiff has been diagnosed with anxiety disorder as a result of the sexual abuse

and sexual assaults by Defendant Memon and he has symptoms that are consistent with post-traumatic stress disorder.

39. In addition, because of the sexual abuse and sexual assaults by Defendant Memon, Plaintiff has had difficulty approaching romantic relationships, completing his higher education and obtaining and maintaining employment.

40. Darul-Uloom Al-Madania, Inc. either failed to perform a background check on or otherwise vet Defendant Memon prior to allowing him to interact with students, or it did so and ignored the results.

41. Upon information and belief, Darul-Uloom Al-Madania, Inc. never vetted Defendant Memon by checking his references, criminal record, prior complaints, clearances, proof of education, or New York State teaching registration/license.

42. Members of Defendant Darul-Uloom Al-Madania, Inc.'s administration and faculty oversaw, supervised, and directed the manner in which Defendant Memon engaged with students.

43. Upon information and belief, Defendant Darul-Uloom Al-Madania, Inc. relied upon its agents, employees and/or staff to ensure the safety and maintenance of the school premises and, in particular, the Boys' School.

44. Upon information and belief, Defendant Darul-Uloom Al-Madania, Inc. did not have any security to protect students and/or minors, like Plaintiff, from harm.

45. Defendant Darul-Uloom Al-Madania, Inc. intentionally put Defendant Memon in direct contact with minor children including Plaintiff.

46. Defendant Memon used his position at Defendant Darul-Uloom Al-Madania, Inc. to sexually exploit Plaintiff.



47. Defendant Memon sexually abused Plaintiff inside of Defendant Darul-Uloom Al-Madania, Inc.'s facilities.

48. Upon information and belief, members of Defendant Darul-Uloom Al-Madania, Inc.'s administrators condoned and/or covered up Defendant Memon's unlawful sexual acts.

49. Upon information and belief, Defendant Memon sexually abused and sexually assaulted other students at Darul-Uloom Al-Madania.

50. Upon information and belief, it was well known among the students and employees and staff that Defendant Memon was sexually inappropriate with students, including Plaintiff.

51. Upon information and belief, students knew that if they reported the sexual abuse and sexual assaults to Darul-Uloom Al-Madania's officials, they would be punished with physical assaults and nothing would be done to stop the abuse from occurring.

52. Upon information and belief, the physical abuse of students by Ibrahim Memon and others was known to Defendant Memon as well as the administrators of the Boys' School.

53. The administrators of Defendant Darul-Uloom Al-Madania, Inc. had the legal and moral responsibility to prevent Defendant Memon from sexually abusing and sexually assaulting Plaintiff and had the legal and moral responsibility to stop Defendant Memon from sexually abusing and sexually assaulting Plaintiff.

54. Darul-Uloom Al-Madania, Inc. had the legal and moral responsibility to manage, supervise, control and direct their employees, including Defendant Memon, and to prevent them from harming the students including Plaintiff entrusted to their care.

55. Defendant Memon was a brazen pedophile and Defendant Darul-Uloom Al-Madania, Inc. knew or should have known about the sexual abuse and sexual assaults of Plaintiff.

56. Defendant Darul-Uloom Al-Madania, Inc. failed to properly monitor Defendant Memon or otherwise supervise their interactions with students including Plaintiff.

**FIRST CAUSE OF ACTION:  
(Negligent Hiring/Retention/Supervision/Direction: Defendant Darul-Uloom Al-Madania, Inc.)**

57. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

58. Darul-Uloom Al-Madania, Inc., at all relevant times, indicated to its students and to the parents of students that minor children would be physically safe in the presence of their teachers at Darul-Uloom Al-Madania, Inc.

59. Darul-Uloom Al-Madania, Inc. entered into an express and/or implied duty to provide that when Plaintiff was a minor and left in the presence of teachers, that he would be kept reasonably safe and not be sexually abused.

60. Darul-Uloom Al-Madania, Inc. owed a duty of care to all minor persons, including Plaintiff, who was likely to come in contact with Defendant Memon to ensure that he did not use his assigned positions to injure minors by sexual assault, sexual abuse or sexual contact in violation of the laws of the State of New York.

61. Darul-Uloom Al-Madania, Inc. knew or should have known of Defendant Memon's propensity for conduct which caused Plaintiff's injuries prior to, or at the time, that he sexually abused Plaintiff.

62. The sexual abuse of children by Defendant Memon was a foreseeable result of Darul-Uloom Al-Madania, Inc.'s negligence. Darul-Uloom Al-Madania, Inc.'s negligence lies in, among other things, having placed Defendant Memon in a position to cause foreseeable harm, harm which would have been spared, had it taken reasonable care in making appropriate decisions respecting the hiring and retention of Defendant Memon.

63. Darul-Uloom Al-Madania, Inc. negligently hired, retained, directed, oversaw, and supervised Defendant Memon and knew or should have known that he posed a threat of sexual abuse to children and that their conduct did not comport with regular and customary teaching practices at Darul-Uloom Al-Madania, Inc.

64. Upon information and belief, Darul-Uloom Al-Madania, Inc. did not provide a minimum or adequate training to Defendant Memon regarding the care of children, including Plaintiff, within his control.

65. At all relevant times, Darul-Uloom Al-Madania, Inc. was willful, wanton, reckless, malicious and/or outrageous in its disregard for the rights and safety of the Plaintiff.

66. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

67. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

68. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SECOND CAUSE OF ACTION:  
(Negligence: Defendant Darul-Uloom Al-Madania, Inc.)**

69. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

70. At all relevant times, Defendant Memon was under the supervision, employ, direction and/or control of Darul-Uloom Al-Madania, Inc.

71. Darul-Uloom Al-Madania, Inc. owed a duty to protect its students, including Plaintiff, lawfully within the school's premises, from Defendant Memon's propensity to sexually abuse and sexually assault children. Darul-Uloom Al-Madania, Inc. knew, or was negligent in not knowing, that Defendant Memon posed a threat of sexual abuse to children. Darul-Uloom Al-Madania, Inc. also failed to take appropriate measures to evaluate Defendant Memon's employment and fitness at the time he was allowed to teach and thereafter remain at the school.

72. Defendant Memon's conduct was undertaken and/or enabled during the course and/or within the scope of their employment, appointment, assignment, and/or agency with Darul-Uloom Al-Madania, Inc. At all relevant times, Darul-Uloom Al-Madania, Inc. failed to have appropriate procedures in place for students or faculty to report sexual abuse.

73. Darul-Uloom Al-Madania, Inc. also failed to adequately supervise Defendant Memon and permitted him to go into rooms alone with Plaintiff.

74. During the time of the sexual abuse alleged herein, while lawfully upon Defendant's premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of Darul-Uloom Al-Madania, Inc.

75. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

76. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

77. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**THIRD CAUSE OF ACTION:  
(Breach of Non-Delegable Duty: Defendant Darul-Uloom Al-Madania, Inc.)**

78. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

79. Plaintiff, as a minor, was placed in the care and supervision of Darul-Uloom Al-Madania, Inc. for the purpose of, among other things, providing him with a safe environment to participate in educational, religious, youth, and recreational activities.

80. There existed a non-delegable duty of trust between Plaintiff and Darul-Uloom Al-Madania, Inc.

81. Darul-Uloom Al-Madania, Inc. was in the best position to prevent Defendant Memon from sexually abusing children under its care, to learn of the sexual abuse, to stop it, and to take prompt action so that Plaintiff could receive the proper therapy to address what had happened to him. Such prompt steps would have prevented the abuse from occurring and/or mitigated the extent of life suffering that Plaintiff has endured.

82. Darul-Uloom Al-Madania, Inc. breached its non-delegable duty to Plaintiff by not firing Defendant Memon, letting Defendant Memon abuse Plaintiff, failing to recognize that Defendant Memon was abusing Plaintiff, and/or turning a blind eye to it.

83. During the time of the sexual abuse alleged herein, while lawfully upon Defendant's premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of Darul-Uloom Al-Madania, Inc.

84. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

85. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a

result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

86. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FOURTH CAUSE OF ACTION:  
(Breach of Fiduciary Duty: Defendant Darul-Uloom Al-Madania, Inc.)**

87. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

88. Plaintiff's parents entrusted Darul-Uloom Al-Madania, Inc. to supervise and protect their minor child while he was at school. During such time, Darul-Uloom Al-Madania, Inc. assigned Defendant Memon as principal and/or headmaster. At all times, Defendant Memon was under the supervision and control of Darul-Uloom Al-Madania, Inc.

89. Darul-Uloom Al-Madania, Inc. failed to monitor Defendant Memon or otherwise supervise Defendant Memon's interactions with students including Plaintiff.

90. There existed a relationship of trust, confidence and reliance between Darul-Uloom Al-Madania, Inc. and Plaintiff.

91. This relationship was based on the entrustment that Darul-Uloom Al-Madania, Inc. would properly care for and supervise minor children in its presence, custody and control.

92. Darul-Uloom Al-Madania, Inc. was required to act in the best interests of Plaintiff and to protect him due to his infancy and vulnerability.

93. Based upon the fiduciary relationship, Darul-Uloom Al-Madania, Inc. was entrusted with the wellbeing, care, and safety of Plaintiff and assumed a duty to act in his best

interests while he was at school.

94. Darul-Uloom Al-Madania, Inc. breached its fiduciary duty to Plaintiff.

95. Darul-Uloom Al-Madania, Inc.'s conduct was willful, wanton, reckless, malicious and outrageous in its disregard for the rights and safety of Plaintiff.

96. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

97. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FIFTH CAUSE OF ACTION:  
(Negligent Infliction of Emotional Distress: Darul-Uloom Al-Madania, Inc.)**

98. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

99. As set forth above, Darul-Uloom Al-Madania, Inc. acted in a negligent and/or grossly negligent manner.

100. Darul-Uloom Al-Madania, Inc. had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Defendant Memon.

101. Despite Darul-Uloom Al-Madania, Inc.'s knowledge, power, and duty, Darul-Uloom Al-Madania, Inc. negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Defendant Memon sexually abusing Plaintiff.

102. Darul-Uloom Al-Madania, Inc.'s acts and omissions endangered Plaintiff's safety and well-being and caused him to suffer, inter alia, fear, anxiety, shame, humiliation, physical and emotional pain.

103. As a direct and proximate cause of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff suffered severe damages including but not limited to physical, mental and emotional distress.

104. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SIXTH CAUSE OF ACTION:  
(Breach of Duty *In Loco Parentis*: Darul-Uloom Al-Madania, Inc.)**

105. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

106. While he was a minor, Plaintiff was entrusted by his parents to the control, custody and supervision of Darul-Uloom Al-Madania, Inc. During that time, Darul-Uloom Al-Madania, Inc. placed Plaintiff in contact with Defendant Memon, who repeatedly sexually abused and sexually assaulted him.

107. Darul-Uloom Al-Madania, Inc. knew or should have known that Defendant Memon was sexually abusing and sexually assaulting Plaintiff.

108. Darul-Uloom Al-Madania, Inc. owed a duty to the students, including Plaintiff, entrusted to it to act in loco parentis and to prevent foreseeable and known injuries.

109. Darul-Uloom Al-Madania, Inc.'s supervision and protection of Plaintiff at school fell far below that of a parent of ordinary prudence placed in the same situation and armed with the same information.

110. At all times material hereto, Darul-Uloom Al-Madania, Inc.'s actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.



111. As a direct result of Darul-Uloom Al-Madania, Inc.'s actions, Plaintiff has suffered injuries and damages described herein.

112. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SEVENTH CAUSE OF ACTION:  
(Intentional Infliction of Emotional Distress: Defendants Darul-Uloom  
Al-Madania, Inc. and Memon)**

113. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

114. Darul-Uloom Al-Madania, Inc. engaged in reckless, extreme, and outrageous conduct by providing Defendant Memon with access to children, including Plaintiff, despite knowing that they would likely use their position to sexually abuse them, including Plaintiff.

115. Darul-Uloom Al-Madania, Inc.'s conduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by it of the consequences that would follow.

116. As a result of this reckless, extreme, and outrageous conduct, Defendant Memon gained access to Plaintiff and sexually assaulted and abused him.

117. Darul-Uloom Al-Madania knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation, and emotional physical distress.

118. Defendant Memon's acts of physically assaulting and sexually assaulting Plaintiff

while he was a student constitute extreme and outrageous conduct that goes beyond all possible bounds of decency, is atrocious, and is utterly intolerable in a civilized society, and as a result Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation, and emotional physical distress.

119. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**EIGHTH CAUSE OF ACTION:  
(Vicarious Liability in Respondeat Superior: Defendant Darul-Uloom  
Al-Madania, Inc.)**

120. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

121. Darul-Uloom Al-Madania, Inc. staffed the Boys' School at Darul-Uloom Al-Madania to educate, care for, and monitor the children enrolled thereat, including Plaintiff.

122. Darul-Uloom Al-Madania, Inc. is and was vicariously liable in respondeat superior to Plaintiff for Defendant Memon's foregoing unlawful conduct in that the sexual abuse of Plaintiff by Defendant Memon was reasonably foreseeable by Darul-Uloom Al-Madania, Inc. and occurred within the general scope of employment.

123. Darul-Uloom Al-Madania, Inc. is and was vicariously liable in respondeat superior to Plaintiff for Defendant Memon's foregoing unlawful conduct given prior instances of similar conduct by Defendant Memon, other employees, agents and/or servants, as well as Darul-Uloom Al-Madania, Inc.'s failure to respond accordingly, such unlawful conduct was reasonably foreseeable and occurred within the general scope of the Darul-Uloom Al-Madania, Inc.'s business in that due to prior known instances of similar conduct on the part of Defendant Memon, the herein actions of same could have been reasonably foreseen by the Darul-Uloom Al-Madania,

Inc.

124. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**NINTH CAUSE OF ACTION:  
(Inadequate Security: Defendant Darul-Uloom Al-Madania, Inc.)**

125. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

126. Darul-Uloom Al-Madania, Inc. negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Boys' School at Darul-Uloom Al-Madania and while Darul-Uloom Al-Madania, Inc. had knowledge of its employee's, Defendant Memon, propensities for the type of behavior which resulted in Plaintiff's injuries in this action.

127. Darul-Uloom Al-Madania, Inc. negligently failed to safeguard Plaintiff, a minor.

128. Darul-Uloom Al-Madania, Inc. knew or should have known of their employee's, Defendant Memon, propensities for the conduct that caused Plaintiff's injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

129. That as a result of the foregoing, Plaintiff was seriously and permanently injured.

130. Said occurrences and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Darul-Uloom Al-Madania, Inc. in their ownership, operation, management, maintenance, control, security and supervision of the Boys' School at Darul-Uloom Al-Madania and employees therewithin.

131. As a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. without any negligence on the part of the Plaintiff contributing thereto.

132. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**TENTH CAUSE OF ACTION:  
(Intentional Sexual Abuse; Violations of Article 130 of the New York State Penal Law:  
Defendant Memon)**

133. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

134. Defendant Memon's acts against Plaintiff constitute criminal violations of Article 130 of the New York State Penal Law.

135. Defendant Memon subjected Plaintiff to sexual contact by forcible compulsion Plaintiff's consent in violation of Penal Law § 130.65(1).

136. Defendant Memon subjected Plaintiff to sexual contact when Plaintiff was less than 14 years old in violation of Penal Law § 130.60(2).

137. Defendant Memon subjected Plaintiff to sexual contact without Plaintiff's consent in violation of Penal Law § 130.55(2).

138. Defendant Memon intentionally, and for no legitimate purpose, forcibly touched the sexual or other intimate parts of Plaintiff for the purpose of degrading or abusing Plaintiff, or for the purpose of gratifying Defendant Memon's sexual desire in violation of Penal Law § 130.52(1).

139. By reason of the foregoing, Defendant Memon is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**DAMAGES DEMAND**

WHEREFORE, PLAINTIFF demands judgment against Defendants in the sum of no less than \$15,000,000 in compensatory damages, plus punitive damages, interest, costs, disbursements, and attorneys' fees together with such other and further relief as the Court deems just and proper.

Dated: New York, New York  
August 6, 2021

Respectfully submitted,



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VERIFICATION

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF New York )

The undersigned, an attorney duly admitted to practice in the courts of the State of New York, states that deponent is a member in The Law Firm of Andrew M. Stengel, P.C, the attorneys of record for the plaintiff, herein, and that deponent has read the foregoing Verified Complaint and knows the contents thereof, that the same is true to deponent’s own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true. Deponent further states that the reason this verification is made by deponent and not by Plaintiff is that Plaintiff resides and is outside of the County, wherein both deponent and his law firm maintain an office for the practice of law.

The grounds of deponent’s belief as to all matters not stated upon deponent’s knowledge are from information received from the Plaintiff, and in the course of investigation, as well as from records and things received from the parties. The undersigned affirms that the foregoing statements are true under the penalties of perjury.

  
Andrew M. Stengel, Esq.

Sworn to before me this  
9<sup>th</sup> day of Aug. 2021.

  
Notary Public

**KATHERINE E. MAYO**  
**Notary Public-State of New York**  
**No. 02MA6382918**  
**Qualified in Kings County**  
**Commission Expires Nov. 5, 2022**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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USMAN MAKHDOOM,

Plaintiff,

Index No.

-against-

DARUL-ULOOM AL-MADANIA, INC., ISMAIL  
MEMON AND JOHN DOES 1-5,

Defendants.

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SUMMONS AND VERIFIED COMPLAINT

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Pursuant to 22 NYCRR 130-1.1, the undersigned, attorneys admitted to practice in the courts of New York State, certify that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: August 6, 2021



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