

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.

JANE DOE,

Plaintiff,

-against-

HIRSCHEL PEKKAR and "JOHN DOE  
and/or JANE DOE" as Administrator or  
Executor of the Estate of Hirschel Pekkar,

Defendants.

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty [30] days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
October 1, 2021

CRUMILLER P.C.

/s/

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"John Doe and/or Jane Doe" as Administrator or  
Executor of the Estate of Hirschel Pekkar

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Defendants.

**VERIFIED COMPLAINT**

Plaintiff Jane Doe, by her attorneys Crumiller P.C., as and for her complaint against defendants Hirschel Pekkar and “John Doe and/or Jane Doe” as Administrator or Executor of the Estate of Hirschel Pekkar, alleges as follows:

**NATURE OF THE ACTION**

1. Hirschel Pekkar sexually assaulted Jane Doe on numerous occasions when she was five years old. This action is brought pursuant to the New York Child Victim Act (CPLR § 215-g) (the “CVA”).<sup>1</sup>

**JURISDICTION AND VENUE**

- 2. Jurisdiction is proper pursuant to CPLR § 301 et seq.
- 3. Venue is appropriate pursuant to CPLR § 503(a) on the basis that the events giving rise to these claims occurred in Kings County.

**THE PARTIES**

- 4. Plaintiff Jane Doe is a 36-year-old woman who resides in Israel.
- 5. Defendant Hirschel Pekkar was an individual who resided in Queens, New York. Upon information and belief, Pekkar died on July 29, 2021, although no estate has been formed. He

<sup>1</sup> Plaintiff’s claims are tolled pursuant to CPLR § 210(b).

was a jewelry-maker and a prominent member of the Chabad-Lubavitch community in Crown Heights, Brooklyn.

6. Defendant “John Doe and/or Jane Doe” is the administrator or executor of Pekkar’s estate, once appointed.

### **FACTS**

7. Jane grew up in the Hasidic neighborhood in Crown Heights, Brooklyn, with her father “David” (a pseudonym) and stepmother “Sarah” (a pseudonym), in the 1980s. Her mother died when she was three.

8. The synagogue located at 770 Eastern Parkway (known as “770”) is the worldwide center of the Chabad-Lubavitch community: one of the largest Hasidic groups and Jewish religious organizations in the world, known for its outreach. 770 is therefore of great significance to the global Jewish community. While not members, Jane’s family was associated with the community; they were members of, and frequent visitors to, 770.

9. One extremely active and prominent member of that synagogue was Pekkar. In the community, he was colloquially known as “Rabbi.” Pekkar was well-known for having created one of the most important pieces of Jewish artwork of the 20<sup>th</sup> century.

10. In 1982, Rebbe Mendel Schneerson, an influential scholar of Judaism, announced that the traditional menorah depictions, with circular arms, were inaccurate. His research into medieval depictions led him to conclude that the arms should be diagonal. Pekkar was commissioned to bring Schneerson’s new vision to life, in the form of an enormous, dazzling sculpture: six feet tall, plated with gold. Pekkar’s Menorah was wondrous to behold, and was featured centrally in the public menorah lightings each year thereafter. It was the pillar and foundation of a stylistic

change that swept the world; today, Pekkar's "770 Menorah" and its replications are lit across the globe each year to an audience of millions.

11. In 1991, David began working for Pekkar in his jewelry-making studio, which was adjacent to an apartment owned by Pekkar. Through their personal and business relationships, the families grew close, and often spent time together at each other's homes.

12. As a child who had lost her mother, Jane was extremely close with David. She often cried when away from him. As a result, David brought her to work whenever he could; he even brought her in his taxi when he worked as a taxi driver. David regularly brought his daughter to Pekkar's studio, so they could spend time together while he worked.

13. One day, at Pekkar's studio, when Jane was five years old, she told David that she needed to use the bathroom. There was no bathroom in the studio, so Pekkar volunteered to take her to the bathroom in the apartment.

14. Pekkar led her out of the studio, into the apartment, and to the bathroom. However, instead of leaving her to her privacy, Pekkar sat on a stool outside of the bathroom door and instructed Jane to stand in front of him. Pekkar then sexually assaulted Jane by forcing his hand underneath her skirt and underwear, touching her vagina.

15. Jane froze; as a child she was completely unaware what was happening or how she should respond. Jane also trusted Pekkar as a friend of the family, and a notable figure in her community. As such, she stood silent as instructed by Pekkar while he abused her.

16. After the assault, Pekkar engaged Jane in friendly conversation. He sought to make her comfortable with what had happened, and told her not to tell anyone.

17. Pekkar then led Jane back to the studio, where she played silently in the corner until it was time to go home.

18. This would be the first of many times that Pekkar sexually assaulted the young girl.

19. On at least a dozen occasions, when Jane's father brought her to work, Pekkar volunteered to bring Jane to the same bathroom. He sat on the same stool outside of the bathroom, and directed Jane to stand in front of him, so he could touch her vagina under her clothes. Through these occasions, Pekkar groomed Jane, and made her believe the abuse was innocent and consensual.

20. Pekkar's wife was often in the apartment while Pekkar and David were working. Upon information and belief, Pekkar's wife was aware of the abuse, and was even, at times, present in the apartment during the assaults. Pekkar's wife's presence appears to have been a strategic maneuver by the couple to create a false sense of security and safety for David.

21. One night, when Pekkar knew David was working late at the studio, he arrived unexpectedly at Jane's home. Sarah was in her bedroom sleeping when Jane opened the door and allowed Pekkar in. Pekkar came into the house quietly and sat on Jane's bed and instructed her to stand in front of him, as he had done in his own apartment. Again he forced his hand underneath her nightgown, touching her vagina. Afterward, Pekkar engaged Jane in conversation and jokes, put her to bed, and left.

22. Throughout the abuse, Pekkar repeatedly instructed Jane not to tell anyone. He threatened her that if she said anything, he would tell people "It was [her] idea."

23. Even as a young child, Jane was confused by the conflicting statements that the abuse was completely innocent, but if anyone found out, she would get in trouble. She struggled to comprehend what was happening to her.

24. Although Jane was too young to understand what was happening, and was fearful of Pekkar's threats, she felt in some way that what was happening was wrong. As such, she casually mentioned to her Sarah while in the bath one day that it was "like with [Pekkar]".

25. Sarah immediately took Jane out of the bath, dressed her, and sat her down to investigate the meaning to what she had said. Jane told Sarah of the many times Pekkar had forced his hands underneath her clothing to touch her. Sarah immediately told David.

26. Given Pekkar's standing in the community, David feared he would not be believed and retaliated against if he exposed Pekkar. He decided to attempt to catch Pekkar by inviting him over for dinner and setting up what he thought was a hidden video-camera. David intended to intervene immediately as soon as Pekkar attempted to abuse Jane, to stop the abuse and confront Pekkar. However, Pekkar must have seen the camera, because he assaulted Jane under the table in a brutal, violent, and painful manner, as though he were angry. It hurt, a lot.

***Jane's Father Brings Jane's Claims to Rabbinical Court; The Proceedings Offer No Redress***

27. Later that year, David brought Jane's accusations to the *Beth Din*, or rabbinical court: a panel consisting of three male Jewish elders who adjudicate matters in accordance with Jewish law. The *Beth Din* is considered by those in the Orthodox community to be the only legitimate source of authority for civil disputes; it expressly discourages reporting to the police or to any outside legal authority.

28. Jane had no knowledge of these proceedings, and did not participate in them.

29. The Crown Heights *Beth Din* has ties to 770, and is located next door to it. It was a challenging environment to levy accusations against Pekkar.

30. The panel heard the evidence from both sides, though it did not include Jane's own testimony. On August 13, 1991, it administered its verdict:

White we were sitting as a tribunal of three judges, we were as one, the two parties came before us:

**First Party: (The plaintiff) Rabbi [David]**

**Second Party: (The defendant) Rabbi Hershel Shay Pekkar**

And the mentioned parties, whose signatures are affixed below, asked from us to discuss or to compromise between them, undertook to adhere to our ruling with a valid symbolic act of acquisition, and also signed this verdict. And after hearing the claims of the two parties, we came to the following conclusion:

The defendant hereby admitted that he has committed an offense, therefore, we ordered him that he should be treated, and that he must prove to the court that he is under the observation of a specialist (until now, he did not issue such proof to the court!!).

However, on the other hand, he didn't admit any act of deceit as accused by the plaintiff, and in order to spend money, we need a clear proof of that or an admission of a litigant. And if Rabbi [David] had more proofs and so forth, then he should submit them to the court.

(Exhibit A.)

31. Pekkar never gave proof of having completed the required counseling.
32. Instead, the next month, Pekkar sent David a letter, threatening that if David ever told anyone else what Pekkar had done, he would state that David had deliberately brought Pekkar into his home to make a "dirty video" with his 5-year-old daughter. David complied.

***Jane's Adolescence is Materially Altered and Utterly Consumed by The Sexual Abuse She Suffered as a Young Girl***

33. After the failed rabbinical court proceedings, David resigned his position with Pekkar and distanced his family from him. Feeling they had no recourse, the family did not discuss the abuse, and simply pretended like nothing ever happened.
34. While her memories waned in the years following the abuse, Jane never forgot the abuse. The trauma from the abuse persisted throughout her adolescence, and presented itself in the form of severe emotional distress.



35. For over a decade, Jane suffered from pervasive and fragmented memories and dreams about Pekkar. These memories and dreams became more intense over time, and developed into a singular focus to discover what had happened to her.

36. When she was 15, during breakfast, she began asking David questions about Pekkar. David was shocked by these questions. Aghast, he responded, “you remember Pekkar... what do you remember?” Jane was taken aback by David's reaction, and felt uncomfortable revealing she was aware of the abuse. As such, she denied remembering anything about Pekkar.

37. For the next three years, Jane looked through scores of yellowbooks, searching for Pekkar. She even “cold called” the Pekkars she found, often posing as a police officer, to find her assailant.

38. When Jane was 18 years old, she discovered a collection of old records in David’s possession.

39. She discovered the August 1991 rabbinical court verdict, a copy of the employment contract between David and Pekkar, and a bizarre article clipping found with the rabbinical court verdict. On one side of the clipping was a large X clearly made to indicate to the reader to focus on the other side of the page. On the other side of the page was an article, with one line underlined: a moser (one who turns over a Jew to non-Jewish authorities) was the most despicable person.

40. With these documents, and her fragmented memories, Jane was finally able to fully recall the full course of abuse she had experienced. It was a revelation that immediately weighed heavily on her.

41. Jane sat on the information, paralyzed by it, for a year. She could not bring herself to share what had happened to her with her family or friends.

42. The next year, at age 19, Jane was having an unrelated argument with David. She lashed out, told him she knew she was sexually abused as a child, and that she had found the rabbinical court verdict and other documents.

43. Jane ran out of David's home to her stepbrother's home. David called her and begged her to come back so they could talk.

44. When Jane returned, her father broke down in tears. He said he did not know she remembered the abuse. He said he did not know what to do, and thought he had no recourse after the failed rabbinical court proceeding.

45. Jane demanded that he take her to confront Pekkar. He agreed.

46. They drove over together. Jane asked David to wait outside by the street corner; she felt it was important she confront Pekkar herself.

47. At one point during the confrontation, Jane's father could not help himself; he stormed up to the house and began yelling thunderously at Pekkar. Jane told her father she wanted to handle it alone and asked him to go back.

48. Jane entered Pekkar's home alone and told him she knew what he had done to her as a child.

49. Pekkar did not deny it. Instead, he claimed that she had "wanted" to be sexually abused by him, and that she should be grateful that he did not rape her. He claimed that because the abuse had not escalated to rape, he had done nothing wrong.

Pekkar blamed David, yelling at Jane, "he did not take care of you!" and claiming, "he gave you to me."

50. When Pekkar's wife came out to see what was happening, he casually told his wife, of Jane, "that's the girl I was messing around with," indicating that Pekkar's wife was aware of the

abuse. Bizarrely, Pekkar proceeded to escort Jane through his apartment and studio, pointing out the various locations in which he had abused her. Pekkar seemed confident he would not suffer any accountability for his actions. His boldness both stunned and demoralized Jane.

51. At the end of this meeting, Jane began to suffer a panic attack that exhibited itself in an angry outburst. She was tearful and frantic, completely overwhelmed by the gravity of the abuse and Pekkar's nonchalant demeanor.

52. Jane slapped Pekkar and ran out of the home to her father, where she began to weep.

53. Jane had hoped for some semblance of closure, and instead Pekkar had retraumatized her.

***Pekkar Continued to Abuse Young Girls with Impunity; Jane Confronts Pekkar For a Second Time***

54. Upon information and belief, in or about 2010, Pekkar was subject to a *pashkevilim*, which is a public shaming ritual in which accusations against an individual are publicly posted in the community. These accusations involved Pekkar's sexual assault of a different young woman in the community.

55. In or about 2015, when Jane was thirty, she again confronted Pekkar, though she was unaware at the time of the *paskevilim* accusations. Apparently, Pekkar had suffered no consequences for his repeat behavior.

56. This time, Jane brought a friend for moral support. The friend knocked on the door and demanded Pekkar come outside to speak with Jane.

57. The three sat on a bench outside of Pekkar's home, where Jane attempted to explain the damage that the sexual abuse had on her throughout her entire life. In response, Pekkar called Jane "privileged," and repeated his claim that at age five, she had "wanted" to be abused by him. Pekkar then threatened to commence legal action against Jane if she continued her efforts to seek redress. She felt paralyzed by Pekkar's defiance and refusal to acknowledge the sexual assault he

subjected her to as a child. She was also terrified of Pekkar's threats of legal action; she knew that he had much more power than she did in their community, and she knew what had happened at the *Beth Din*. She took his threats seriously.

58. This feeling of hopelessness in her attempts to seek retribution for the sexual assault she suffered as a child resulted in further deterioration of Jane's mental health.

***The Devastating Effects on Jane***

59. Throughout Jane's entire life she has seen numerous mental health professionals in an attempts to address and remediate the symptoms of the mental health conditions originating from the sexual abuse she suffered as a child.

60. Jane has been diagnosed with PTSD, anxiety, and a major depressive disorder. During some of her depressive episodes, Jane was bedridden for days. Jane has suffered from panic attacks and vertigo throughout most of her life. Jane suffered from an eating disorder for approximately fifteen years. Jane has suffered from suicidal thoughts and suicidal ideation.

61. Jane has found it difficult to create and maintain meaningful relationships, as she finds it difficult to trust others. Jane's relationship with her father was strained until his passing, and her relationship with Sarah remains strained to this day.

62. Jane has found it difficult to maintain employment given the debilitating nature of her mental health conditions.

63. Jane's life was utterly derailed by the sexual assaults she suffered at only five years old. She has spent decades suffering: emotionally, mentally, and psychologically.

**FIRST CAUSE OF ACTION:  
Sexual Assault and Battery**

64. Plaintiff repeats and realleges all facts set forth above.
65. Pekkar intentionally touched or applied force to plaintiff, in a harmful or offensive manner, and without her consent.
66. Pekkar battered plaintiff when she unlawfully sexually assaulted her by forcibly touching her body.
67. Pekkar acted carelessly, recklessly and/or intentionally, and knew that his actions against plaintiff constituted assault, causing her apprehension of harmful or offensive contact.
68. Pekkar's assault and battery of plaintiff caused her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.
69. Pekkar's sexual assault and battery of plaintiff has the character of outrage associated with crime, entitling plaintiff to an award of punitive damages.
70. Pekkar is liable to plaintiff for compensatory and punitive damages.

**SECOND CAUSE OF ACTION:  
False Imprisonment**

71. Plaintiff repeats and realleges all facts set forth above.
72. Pekkar intentionally, unlawfully, and falsely imprisoned plaintiff at the times he sexually assaulted and battered her.
73. Plaintiff did not consent to this confinement, which was not otherwise privileged.
74. Pekkar's false imprisonment of plaintiff caused her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

75. Pekkar's false imprisonment of plaintiff has the character of outrage associated with crime, entitling plaintiff to an award of punitive damages.

76. Pekkar is liable to plaintiff for compensatory and punitive damages.

**THIRD CAUSE OF ACTION:  
Negligent Infliction of Emotional Distress**

77. Plaintiff repeats and realleges all facts set forth above.

78. Pekkar unreasonably endangered plaintiff's physical safety and caused her to fear for her physical safety.

79. As a result, plaintiff suffered emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

80. Pekkar's infliction of emotional distress upon plaintiff has the character of outrage associated with crime, entitling plaintiff to an award of punitive damages.

81. Pekkar is liable to plaintiff for compensatory and punitive damages.

**FOURTH CAUSE OF ACTION:  
Intentional Infliction of Emotional Distress**

82. Plaintiff repeats and realleges all facts set forth above.

83. By unlawfully imprisoning plaintiff at the Facility and by sexually assaulting and battering her, Pekkar intentionally inflicted emotional distress upon plaintiff.

84. Pekkar's conduct as described herein was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society.

85. Pekkar intended to cause, or disregarded a substantial probability of causing, severe emotional distress to plaintiff, which he did.

86. Pekkar's infliction of emotional distress has the character of outrage associated with crime, entitling plaintiff to an award of punitive damages.

87. Pekkar is liable to plaintiff for compensatory and punitive damages.

**FIFTH CAUSE OF ACTION:  
NYC Victims of Gender-Motivated Violence Act**

88. Plaintiff repeats and realleges all facts set forth above.

89. Pekkar's misconduct constitutes "crime[s] of violence" and "crime[s] of violence motivated by gender" against plaintiff as defined by the NYC Victims of Gender-Motivated Violence Act, NYC Admin Code § 8-903 ("NYCVGM"). His actions were motivated by plaintiff's gender, on the basis of her gender, and due, at least in part, to an animus based on her gender.

90. Pekkar's gender-motivated animus towards women and girls is demonstrated by, among other things, his practice of sexually violent conduct towards plaintiff, when she was a girl.

91. As a direct and proximate result, plaintiff has suffered emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

92. Pekkar is liable to plaintiff under the NYCVGM for compensatory and punitive damages, attorney's fees, and costs.

**SIXTH CAUSE OF ACTION:  
Violation of NY CPL §§ 130.00-130.96 Sex Offenses and  
Violation of NY CPLR § 214-g, Child Victim Act**

93. Plaintiff repeats and realleges all facts set forth above.

94. Pekkar's conduct as against plaintiff constitutes a sexual offense against a minor in violation of at least one section within Article 130 and/or § 263.05 of the New York Penal Law,

or a predecessor statute that prohibited such conduct at the time of the act, and resulted in physical, psychological, and emotional injuries.

95. Pekkar violated NY CPL § 130.00-130.96 (Sex Offenses) and the CVA.

96. Plaintiff asserts claims pursuant to the CVA, which revives her previously time-barred claims.

WHEREFORE, it is respectfully requested that an order be issued awarding compensatory and punitive damages to plaintiff, on each of her causes of action, and such other relief as may be just.

Dated: October 1, 2021  
Brooklyn, New York

/s/  
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