

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

MEHALA VAIDHYANATHAN
3500 Mystic Pointe Drive, Apartment 2403
Aventura, Florida 33180,

SUMMONS

Plaintiff,

Index No.:

v.

JAY NATHAN, f/k/a VISHNAMPET
SIVARAMAKRISHNAN JAYANTHINATHAN
10604 Whiskey Road
Ijamsville, Maryland 21754,

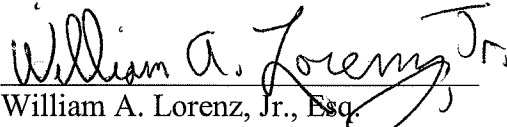
Defendant.

TO THE ABOVE-NAMED DEFENDANT:

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 a Summons, to serve a Notice of Appearance, on 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 completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

This action is brought in ERIE COUNTY based upon the location of the incident.

DATED: August 1, 2019
Amherst, New York


William A. Lorenz, Jr., Esq.
Steven M. Cohen, Esq.
Scott Michael Duquin, Esq.
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

MEHALA VAIDHYANATHAN,

Plaintiff,

VERIFIED COMPLAINT

Index No.:

v.

JAY NATHAN, f/k/a VISHNAMPET
SIVARAMAKRISHNAN JAYANTHINATHAN,

Defendant.

Plaintiff MEHALA VAIDHYANATHAN, by and through her attorneys, HOGANWILLIG, PLLC, as and for her Verified Complaint against Defendant JAY NATHAN, f/k/a VISHNAMPET SIVARAMAKRISHNAN JAYANTHINATHAN herein, alleges as follows:

1. At all relevant times hereinafter mentioned, Plaintiff is a resident of the County of Miami-Dade, State of Florida who, during the time period of the incident alleged herein, resided in the County of Erie, State of New York.
2. Upon information and belief, and at all times hereinafter mentioned, Defendant is a resident of the County of Frederick, State of Maryland who, during the time period of the incident alleged herein, resided in the County of Erie, State of New York.
3. Defendant is the uncle of Plaintiff, being the brother of Plaintiff's father.

FACTS COMMON TO ALL CLAIMS

4. In or about 1971, Plaintiff, then an infant, was living with her family in Williamsville, County of Erie, State of New York.
5. Upon information and belief, Defendant visited Plaintiff's home in or about 1971.

6. In or about 1971, when Plaintiff was approximately three (3) years old, Plaintiff was the victim of sexual harassment, sexual abuse, and violence by or at the direction of Defendant.

7. Some of the incidents experienced by Plaintiff included, but are not limited to, the following:

- A. Defendant entered into then-infant Plaintiff's bedroom and asked her to remove her pajamas.
- B. Defendant then removed his clothing in front of then-infant Plaintiff and climbed into bed with her.
- C. Defendant stroked his penis with his hand in front of then-infant Plaintiff.
- D. Defendant asked then-infant Plaintiff to kiss Defendant's penis.
- E. Defendant forced then-infant Plaintiff to lay on her back while he attempted to forcibly vaginally penetrate her.
- F. Defendant then masturbated himself in front of then-infant Plaintiff until he ejaculated onto her.
- G. Defendant then cleaned his ejaculate off of then-infant Plaintiff with the bed sheets and went to bed.

8. Upon information and belief, then-infant Plaintiff woke up the next day and asked her parents why the bed was wet.

9. Upon information and belief, then-infant Plaintiff's parents confronted Defendant about the abuse.

10. Upon information and belief, Plaintiff confronted Defendant as an adult in or about the late 1980s.

11. Venue is proper based on the location of the incident.

12. This action is brought pursuant to CPLR § 214-G, as added by the New York Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14, 2019). This action is timely commenced.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT:
ASSAULT

13. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs “1” through “12” as though more fully set forth herein.

14. Defendant’s actions in sexually abusing his niece, then-infant Plaintiff, in or about 1971, placed Plaintiff in apprehension of an imminent harmful and offensive bodily contact.

15. That the aforesaid assaults were unwarranted, unjustified, and unprovoked by Plaintiff and without her consent, as Plaintiff did not and could not give consent.

16. That by reason of the foregoing actions of Defendant, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT:
BATTERY

17. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs “1” through “16” as though more fully set forth herein.

18. Defendant’s actions in sexually abusing his niece, then-infant Plaintiff, in or about 1971, constitutes Defendant intentionally making offensive bodily contact with Plaintiff.

19. That the aforesaid offensive bodily contact was unwarranted, unjustified, and unprovoked by Plaintiff and without her consent, as Plaintiff did not and could not give consent as an infant.

20. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

21. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "20" as though more fully set forth herein.

22. Defendant intentionally and recklessly touched Plaintiff on the aforementioned occasion, including forced attempted sexual intercourse.

23. Defendant's actions in sexually abusing his niece, then-infant Plaintiff, in or about 1971, was extreme, outrageous, shocking, and exceeding all reasonable bounds of decency.

24. That the aforesaid conduct was done with the intention of causing Plaintiff severe emotional distress.

25. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

26. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "25" as though more fully set forth herein.

27. Defendant owed a duty to Plaintiff, as her uncle, to reasonably protect her from harm and not sexually abuse her.

28. Defendant intentionally and recklessly breached that duty by touching Plaintiff on the aforementioned occasion in or about 1971, including by forced attempted sexual intercourse.

29. Defendant's actions in sexually abusing his niece, then-infant Plaintiff, in or about 1971, unreasonably endangered Plaintiff's physical safety and caused Plaintiff to fear for her own safety up to the present day.

30. Plaintiff suffered several emotional and mental suffering and distress due to Defendant's actions, as well as fear for her own physical safety.

31. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT:
PUNITIVE DAMAGES**

32. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "31" as though more fully set forth herein.

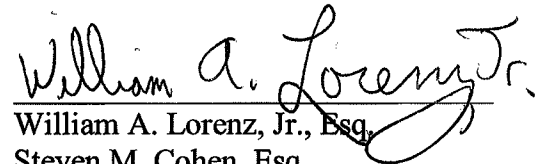
33. Defendant's actions in being violent, sexually harassing, and/or committing other misconduct against Plaintiff is tantamount to a wanton and conscious disregard for the safety of Plaintiff, and warrants the imposition of punitive damages.

34. By reason of the malicious, intentional, willful, and/or negligent conduct of Defendant herein, and by such other acts that were morally reprehensible, Defendant's conduct evidenced a callous disregard for the safety of Plaintiff, and said acts constituted a wanton, reckless and/or malicious disregard for the rights of others and, as a result thereof, Plaintiff demands punitive damages.

35. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount which exceeds the jurisdictional limits of all other courts which might otherwise have jurisdiction, and for such other and further relief to Plaintiff as this Court deems just and proper.

DATED: August 1, 2019
Amherst, New York



William A. Lorenz, Jr., Esq.
Steven M. Cohen, Esq.
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HoganWillig, PLLC
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ATTORNEY VERIFICATION PURSUANT TO CPLR § 3020(d)(3)

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

WILLIAM A. LORENZ, JR., ESQ., being duly sworn deposes and says: that he is the attorney for Plaintiff MEHALA VAIDHYANATHAN, in the above matter; that he has read the foregoing Complaint and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief, and as to those matters, he believes them to be true; that the grounds of his belief as to all matters not stated upon his personal knowledge are correspondence and other writings furnished to him by and through interviews with Plaintiff; and that the reason this Verification is not made by Plaintiff is that Plaintiff does not reside in the county where the undersigned attorney maintains his office.

William A. Lorenz Jr.

WILLIAM A. LORENZ, JR., ESQ.

Sworn to before me this
1st day of August, 2019

Joan Ruchalski

Notary Public

Joan Ruchalski
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 30, 2022