

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

CHEYENNE WEST  
80 Breezewood Drive  
Orchard Park, NY 14127

Plaintiff,

vs.

DOUGLAS J. WEST  
53 Raintree Island  
Apartment 12  
Tonawanda, NY 14150

Defendant.

**SUMMONS**

Plaintiff Designates Erie  
County as the Place of Trial

**INDEX NO.**

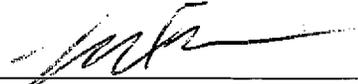
The basis of Venue is  
Defendant's residence and  
the location of the incidents  
alleged herein.

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 this Summons, to serve a Notice of Appearance on the Plaintiff's Attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the 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 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 incidents alleged herein.

DATED: Akron, New York  
November 26, 2019



JUSTIN R. FRIEDMAN, ESQ.  
FRIEDMAN & RANZENHOFER, P.C.  
Attorneys for Plaintiff  
Office and Post Office Address  
74 Main Street, P.O. Box 31  
Akron, New York 14001  
Telephone: (716) 542-5444

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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CHEYENNE WEST

Plaintiff

**COMPLAINT**

vs.

**Index No.:**

DOUGLAS J. WEST

Defendant

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The Plaintiff, CHEYENNE WEST, by her attorneys, FRIEDMAN & RANZENHOFER, P.C., as and for her Complaint against the Defendant, DOUGLAS J. WEST, alleges:

1. At all times hereinafter mentioned, the Plaintiff, CHEYENNE WEST (the "Plaintiff"), was and still is a resident of the County of Erie and State of New York.
2. Upon information and belief, at all times hereinafter mentioned, the Defendant, DOUGLAS J. WEST (the "Defendant") was and still is a resident in the County of Erie and State of New York.
3. Upon information and belief, during the time period of the incidents alleged herein, the Defendant resided in the County of Erie, State of New York, specifically at 72 Aldrich Place, Buffalo, NY 14220.

**FACTS COMMON TO ALL CLAIMS**

4. As of approximately 2004, the Plaintiff and the Defendant lived together at 72 Aldrich Place, Buffalo, NY 14220.
5. The Defendant is the adoptive father of the Plaintiff.

6. Beginning in approximately 2004, when the Plaintiff was ten (10) years old, the Defendant began sexually abusing the Plaintiff.

7. The incidents experienced by the then-infant Plaintiff over a period of three (3) years included, but are not limited to:

- A. Drugging the then-infant plaintiff with a combination of alcohol and melatonin prior to bed-time.
- B. Instructing the then-infant plaintiff to remove her underwear before bed-time and then checking to make sure she had complied.
- C. Forcibly touching the then-infant Plaintiff's genitals and rubbing his own genitals on her leg while he believed her to be asleep.
- D. Ejaculating on the then-infant Plaintiff.

8. The then-infant Plaintiff endured the aforementioned sexual abuse until a Neglect Petition under Article 10 of the Family Court Act was filed on December 26, 2007.

9. The Defendant admitted to the aforementioned sexual abuse at an Article 10 hearing before the Honorable Patricia A. Maxwell on April 2, 2008 (the "Hearing").

10. A result of the Hearing, an Order of Protection was issued against the Defendant, in favor of the Plaintiff and her three younger siblings, to remain in effect until November 20, 2023.

11. Venue is proper in Erie County based upon the location of the incidents alleged herein.

12. This action is timely commenced as it is brought pursuant to CPLR § 214-G, as added by the New York Child Victim's Act, which has revived claims of childhood sexual abuse for a period of one year beginning on August 14, 2019.

**AND AS FOR A FIRST CAUSE OF ACTION: ASSAULT**

12. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 11 as if more fully set forth herein.

14. The Defendant's actions in sexually abusing the then-infant Plaintiff on multiple occasions over a period of three (3) years, placed the Plaintiff in constant apprehension of imminent harmful and offensive bodily contact.

15. The aforementioned assault was unwarranted, unjustified, and unprovoked by the Plaintiff and without her consent, as the Plaintiff did not, and could not, give consent as an infant.

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

**AND AS FOR A SECOND CAUSE OF ACTION: BATTERY**

17. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 16 as if more fully set forth herein.

18. The Defendant intentionally made offensive and harmful bodily contact with the then-infant Plaintiff in his repeated physical sexual abuse of her over a over a period of approximately three (3) years.

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

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

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

21. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 20 as if more fully set forth herein.

22. The Defendant intentionally and recklessly sexually abused the Plaintiff on multiple occasions over a period of approximately three (3) years.

23. The Defendant's conduct in repeatedly sexually abusing the then-infant Plaintiff, his adoptive daughter, was extreme, outrageous, shocking, and exceeding all reasonable bounds of decency.

24. The aforementioned conduct was done with the intention of causing the Plaintiff severe emotional distress.

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

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

26. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 25 as if more fully set forth herein.

27. The Defendant, as the Plaintiff's adoptive father, owed her a duty to reasonably protect her from harm.

28. The Defendant intentionally and recklessly breached that duty by repeatedly sexually abusing her for a period of approximately three (3) years.

29. The Defendant's conduct in repeatedly sexually abusing the then-infant Plaintiff, unreasonably endangered her physical safety for that time period and caused her to fear for her own physical safety for a period indefinitely exceeding that time.

30. The Plaintiff also suffered severe emotional and mental distress due to the Defendant's conduct.

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

**PUNITIVE DAMAGES**

32. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 31 as if more fully set forth herein.

33. The Defendant's actions in sexually abusing the Plaintiff was intentional, willful, reckless, and/or wantonly negligent and indicative of a malicious, wanton, conscious disregard for the Plaintiff's safety and well-being. The Plaintiff, therefore, demands punitive damages.

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

**WHEREFORE**, the Plaintiff, CHEYENNE WEST, demands judgment against the Defendant, DOUGLAS WEST, in an amount that exceeds the jurisdictional limits of all lower court, which would otherwise have jurisdiction, together with the costs and disbursements of this action, and for such other and further relief as this Court deems just and proper.

DATED: Akron, New York  
November 26, 2019



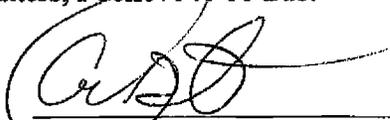
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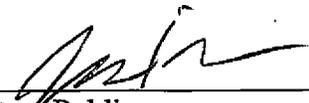
VERIFICATION

STATE OF NEW YORK )  
COUNTY OF ERIE )

CHEYENNE WEST, being duly sworn, deposes and says as follows: I am the Plaintiff in the above entitled proceeding; I have read the foregoing Verified Complaint and know the contents thereof is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as those matters, I believe to be true.

  
\_\_\_\_\_  
CHEYENNE WEST

Sworn to before me this  
26 day of November, 2019

  
\_\_\_\_\_  
Notary Public

JUSTIN R. FRIEDMAN  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 08/20/2022

JUSTIN R. FRIEDMAN  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 08/20/20