

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

DONNA HAWKINS
4388 Inniswold Road
Baton Rouge, Louisiana 70809,

Plaintiff,

v.

RICHARD THOMPSON
40 Bellingham Drive
Buffalo, New York 14221,

Defendant.

SUMMONS

Index No.:

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 Defendant's residence and the principal place of the incidents.

DATED: July 31, 2020
Amherst, New York

William A. Lorenz, Jr.

William A. Lorenz, Jr., Esq.
HoganWillig, PLLC
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

DONNA HAWKINS,

Plaintiff,

VERIFIED COMPLAINT

Index No.:

v.

RICHARD THOMPSON,

Defendant.

Plaintiff DONNA HAWKINS, by and through her attorneys, HOGANWILLIG, PLLC, as and for her Verified Complaint against Defendant RICHARD THOMPSON herein, alleges as follows:

1. At all relevant times hereinafter mentioned, Plaintiff was and is a resident of the County of East Baton Rouge Parish, State of Louisiana who, during the time period of the incidents alleged herein, resided in the County of Erie, State of New York.
2. Upon information and belief, and at all times hereinafter mentioned, Defendant was and still is a resident of the County of Erie, State of New York.
3. Defendant is the step-father of Plaintiff.

FACTS COMMON TO ALL CLAIMS

4. In or about 1969, Plaintiff, then an infant, was living with her family, including Defendant, in the Village of Williamsville, County of Erie, State of New York.
5. In or about 1969, when Plaintiff was approximately nine (9) years old, Plaintiff was the victim of sexual harassment, sexual abuse, and violence by or at the direction of Defendant.

6. Some of the incidents experienced by then-infant Plaintiff over a period of approximately five (5) years included, but are not limited to, the following:

7.

A. On numerous occasions but at minimum three times per week over the five (5) year period, Defendant forcibly rubbed then-infant Plaintiff's vagina in Defendant's bedroom.

B. On numerous occasions but at minimum three times per week over the five (5) year period, Defendant forcibly raped then-infant Plaintiff in Defendant's bedroom.

8. Defendant's abuse of Plaintiff only ceased when Plaintiff learned to avoid Defendant, including staying away from home as much as possible.

9. As a result of the abuse sustained at the hands of Defendant, Plaintiff is no longer able to enjoy sexual contact.

10. As a result of the abuse suffered at the hands of Defendant, Plaintiff has required mental health treatment.

11. As a result of the abuse suffered at the hands of Defendant, Plaintiff was diagnosed with depression

12. Venue is proper in Erie County based upon Defendant's residence and the principal location of the incidents.

13. 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

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

15. Defendant's actions in sexually abusing his stepdaughter, then-infant Plaintiff, over a period of approximately five (5) years placed Plaintiff in apprehension of an imminent harmful and offensive bodily contact.

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

17. 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

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

19. Defendant's actions in sexually abusing his stepdaughter, then-infant Plaintiff, over a period of approximately five (5) years constitutes Defendant intentionally making offensive bodily contact with Plaintiff.

20. 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.

21. 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**

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

23. Defendant intentionally and recklessly touched Plaintiff on the aforementioned occasions over a period of five (5) years, including forcible rape.

24. Defendant's conduct in repeatedly sexually abusing his stepdaughter, then-infant Plaintiff, was extreme, outrageous, shocking, and exceeding all reasonable bounds of decency.

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

26. 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**

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

28. Defendant owed a duty to then-infant Plaintiff, his stepdaughter, to reasonably protect her from harm and not sexually abuse her.

29. Defendant intentionally and recklessly breached that duty by touching then-infant Plaintiff on the aforementioned occasions over a period of five (5) years, including forcibly raping her.

30. Defendant's conduct in repeatedly sexually abusing his stepdaughter, then-infant Plaintiff, unreasonably endangered Plaintiff's physical safety and caused Plaintiff to fear for her own safety over the period of abuse lasting approximately five (5) years.

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

32. 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

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

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

35. 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.

36. 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: July 31, 2020
Amherst, New York

William A. Lorenz, Jr.

William A. Lorenz, Jr., Esq.

HoganWillig, PLLC

Attorneys for Plaintiff

2410 North Forest Road, Suite 301

Amherst, New York 14068

(716) 636-7600

wlorenz@hoganwillig.com

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 DONNA HAWKINS, 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
31st day of July, 2020

Carrie Ricigliano
Notary Public

Carrie Ricigliano
Notary Public, State of New York
Registered in Niagara County, No 01R16325765
My Commission Expires June 8, 2023