

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
CHAIM LEVIN,

Plaintiff,

-against-

SHOLOM EICHLER,

Defendant.

-----X

Index No:

**VERIFIED
COMPLAINT**

INTRODUCTORY STATEMENT

Plaintiff Chaim Levin (“Levin”), by and through his attorneys Irwin Zalkin for The Zalkin Law Firm and Andres F. Alonso and David B. Krangle for Alonso Krangle LLP, for his Complaint against Defendant Sholom Eichler (“Eichler”), alleges as follows:

IDENTIFICATION OF PARTIES

1. Levin was born on May 13, 1989.
2. Levin was a minor at the time of the sexual abuse alleged herein.
3. Eichler is Levin’s first cousin.
4. Eichler was born in 1983.

BACKGROUND FACTS RELEVANT TO ALL COUNTS

5. From approximately 1996 to approximately 1999, Eichler sexually abused Levin on an approximately weekly basis.

6. The abuse consisted of Eichler fondling Levin’s genitals, forcing Levin to fondle Eichler’s genitals, Eichler orally copulating Levin, forcing Levin to orally copulate Eichler, and Eichler anally penetrating Levin with a pen.

7. This abuse occurred primarily at Eichler’s parent’s home.

8. Some instances of abuse also took place at Levin's parent's home and the local synagogue that both boys' families attended.

9. On May 11, 2012, Eichler and Levin executed a tolling agreement, whereby the running of the statute of limitations on the claims alleged herein was tolled until June 11, 2012. The tolling agreement was subsequently amended to extend the tolling period up until July 2, 2012.

FIRST CAUSE OF ACTION
SEXUAL BATTERY

10. Levin incorporates all paragraphs of this Complaint as if fully set forth herein.

11. From approximately 1996 to approximately 1999, Eichler engaged in unpermitted, harmful and offensive sexual contact upon the person of Levin.

12. Eichler's conduct was willful and malicious.

13. Eichler's violent and sex acts committed against Levin, including his sexual assaults of Levin amounted to a series of harmful and offensive contacts to Levin's person, all of which were done intentionally by Eichler without Levin's consent.

14. As a direct and proximate result of the aforementioned batteries, Levin has sustained in the past and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

15. As a result of the above-described conduct, Levin has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Levin's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning

capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

16. That as a result of the foregoing, plaintiff was caused to sustain damages in a sum which exceeds the jurisdictional limitation of all lower Courts which would otherwise have jurisdiction over this action.

SECOND CAUSE OF ACTION
ASSAULT

17. Levin incorporates all paragraphs of this Complaint as if fully set forth herein.

18. Eichler's violent and sex acts committed against Levin, including his sexual assault of Levin, amounted to a series of events creating a reasonable apprehension in Levin of immediate harmful or offensive contact to Levin's person, all of which were done intentionally by Eichler and without Levin's consent.

19. As a direct and proximate result of the aforementioned assaults, Levin has sustained in the past, and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

20. As a direct and proximate result of the aforementioned assaults, Levin has incurred medical expenses and other economic damages, and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering. He was unable and continues to be unable to pursue his usual activities, all due to his physical, psychological, and emotional injuries and damage.

21. That as a result of the foregoing, plaintiff was caused to sustain damages in a sum which exceeds the jurisdictional limitation of all lower Courts which would otherwise have jurisdiction over this action.

THIRD CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

22. Levin incorporates all paragraphs of this Complaint as if fully set forth herein.

23. Eichler's conduct was extreme and outrageous and was intentional or done recklessly.

24. Eichler's conduct was willful and malicious.

25. As a direct and proximate result of Eichler's conduct, Levin experienced and continues to experience severe emotional distress resulting in bodily harm.

26. As a direct and proximate result of the above-described conduct, Levin has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Levin's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

27. Eichler's extreme and outrageous conduct was knowing, malicious, willful and wanton, entitling Levin to an award of punitive damages.

28. That as a result of the foregoing, plaintiff was caused to sustain damages in a sum which exceeds the jurisdictional limitation of all lower Courts which would otherwise have jurisdiction over this action.

DEMAND FOR RELIEF

WHEREFORE, the plaintiff, Levin, demands judgment in the FIRST CAUSE OF ACTION in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; and plaintiff, Levin, demands judgment against the defendant herein in the SECOND CAUSE OF ACTION in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; and plaintiff, Levin, demands judgment against the defendant herein in the THIRD CAUSE OF ACTION in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; together with costs, interest, disbursements, statutory/civil penalties according to law, punitive damages against Defendant Eichler; and such other relief as the court deems appropriate and just.

JURY DEMAND

Plaintiffs demand a jury trial on all issues so triable.

Dated: New York, New York
June 25, 2012

Yours, etc.

David B. Krangle
Andres F. Alonso
ALONSO KRANGLE LLP
445 Broad Hollow Road; Suite 205
Melville, NY 11747
(516) 350-5555

Irwin M. Zalkin
THE ZALKIN LAW FIRM
12555 High Bluff Drive; Suite 260
San Diego, CA 92130

VERIFICATION

DAVID B. KRANGLE, an attorney duly admitted to practice law in the State of New York, hereby affirms the following, under the penalty of perjury:

That I am the attorney for the plaintiff in the within action.

That I have read the foregoing Summons and Complaint and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be upon information and belief; and as to those matters I believe to be true.

That the reason this verification is made by your affirmant and not by the plaintiff(s) is that plaintiff(s) are not presently within the County where your affirmant maintains his office.

That the grounds for your affirmant's belief as to all matters not stated upon my knowledge are as follows: records, reports, facts and documents contained in plaintiff(s) file maintained by your affirmant's office.

Dated: New York, New York
 June 25, 2012

DAVID B. KRANGLE, ESQ.