

SUMMONS

Attorney(s) JOSEPH & NORINSBERG, LLC

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Attorney(s) for Plaintiff Diego O. Barros, Esq.

JAMES KRUZELNICK,

Plaintiff(s)

vs.

ANDREW NAPOLITANO,

Defendant(s)

**Superior Court of
New Jersey**

Essex County

Law Division

Docket No: _____

**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Clerk of the Superior Court

DATED: _____

Name of Defendant to Be Served: Andrew Napolitano

Address of Defendant to Be Served: 1 Central Park West, Apt. 40C, New York, New York 10023

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-----X
JAMES KRUZELNICK,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION ESSEX COUNTY

Plaintiff,

Docket No.:

-against-

COMPLAINT

ANDREW NAPOLITANO,

JURY TRIAL DEMANDED

Defendant.

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Plaintiff JAMES KRUZELNICK, by his attorneys JOSEPH & NORINSBERG, LLC, brings this action against defendant ANDREW NAPOLITANO, alleging, on personal knowledge as to him and on information and belief as to all other matters, as follows:

JURY DEMAND

1. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION AND VENUE

2. This Court has personal jurisdiction over the Defendant in that on the date of the incidents described herein, defendant owned real property in the State of New Jersey, committed the unlawful acts alleged herein at said property, and is subject to the Court's Jurisdiction.

3. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

4. Venue for this action is proper in the County of Sussex, pursuant to *R. 4:3-2* in that venue is properly laid in the county in which the cause of action arose.

**C.2A:14-2B COMMENCEMENT OF ACTIONS REGARDLESS OF
STATUTE OF LIMITATIONS**

5. Each of Plaintiff's causes of action is timely pursuant to C.2A:14-2B, which was enacted on May 13, 2019, and went into effect on December 1, 2019. Plaintiff alleges that the Defendant committed intentional or negligent acts or omissions which resulted in Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against his person, as defined in Section 1 of P.L. 1992, c. 109, as amended on May 13, 2019. This action, moreover, has not been filed until after the effective date of December 1, 2019.

6. Under P.L. 2019c.120 (C.A:14-2a et al.), the statute of limitations is also extended for sexual assault victims who are 18 years of age or older.

PARTIES

7. Plaintiff JAMES KRUZELNICK is an individual currently residing in Wantage, New Jersey.

8. At all relevant times, Plaintiff was employed as a waiter at the Mohawk House, a fine dining American steakhouse located in Sparta, New Jersey.

9. Defendant ANDREW NAPOLITANO is an attorney duly licensed to practice law in the State of New Jersey, a former Superior Court judge, and a Senior Judicial Analyst on Fox News.

10. At all times hereinafter, Defendant NAPOLITANO was a frequent weekend patron of the Mohawk House.

STATEMENT OF FACTS

11. Plaintiff James Kruzelnick began working as a waiter at the Mohawk House in 2005.

12. Beginning in 2014, defendant Napolitano began to frequent the Mohawk House on Saturday nights.

13. Over time, Napolitano developed a strong attraction for Plaintiff, and would repeatedly ask for Plaintiff to be his waiter.

14. Plaintiff continued to treat Napolitano as just another customer, and did not pay him any special attention.

15. This did not deter Napolitano. He was infatuated with Plaintiff and wanted something sexual to develop between them.

Napolitano Follows Plaintiff to the Men's Bathroom and Gropes Him

16. On one Saturday night in December 2014, Defendant Napolitano followed Plaintiff into the bathroom at the Mohawk House, and stood right behind him.

17. Suddenly, and without any warning, defendant Napolitano started to grope Plaintiff James Kruzelnick from behind.

18. Defendant Napolitano grabbed Plaintiff's buttocks, and told him that "you are just *so hot.*"

19. Plaintiff was shocked by Napolitano's actions, as the two men did not know each other and had never been together outside of the restaurant prior to that night.

20. Plaintiff immediately pushed defendant Napolitano off of him, and told him that he shouldn't do things like that in a public place, and that he shouldn't touch him like that again.

21. Plaintiff had no interest in Napolitano, who was 20 years older than him, and who

was more of a father figure than anything else.

22. Plaintiff felt that Napolitano was a brilliant man and he enjoyed speaking with him at the restaurant, but he did not want anything more than that to develop between them.

Napolitano Continues to Relentlessly Pursue Plaintiff

23. Napolitano would not be deterred. After this unwanted groping, Napolitano's sexual harassment of Plaintiff only increased.

24. Every time Napolitano came to the restaurant, he would specifically ask for Plaintiff to be his waiter.

25. Napolitano was friends with the owner of Mohawk House, Steven Scro, who repeatedly ordered Plaintiff to wait on Napolitano.

26. Plaintiff was very uncomfortable with this arrangement but felt that he had no say in the matter, so he continued to wait on Napolitano.

27. Thereafter, whenever Napolitano was in the restaurant, he would pay special attention to Plaintiff and engage him in conversation, making it clear that he was interested in seeing Plaintiff outside of the restaurant.

Napolitano Starts Making Sexually Explicit Comments and Suggestions to Plaintiff

28. In January 2015, Napolitano started making sexually explicit remarks to Plaintiff. He started telling Plaintiff things that he would like to do to Plaintiff sexually, and started to ask him blunt sexual questions.

29. Plaintiff was very uncomfortable with these sexual remarks. While Plaintiff looked up to Napolitano and saw him as a very powerful and accomplished man, he did not want to engage in this type of sexual talk with Napolitano, especially in a work environment.

30. Over the next nine months, Napolitano continued to visit the Mohawk House on

weekends, and ask for Plaintiff to be his waiter.

31. Napolitano continued to make sexually suggestive and inappropriate remarks, but he seemed to understand that Plaintiff was not interested in any sexual relationship but rather just wanted to be friends.

32. As long as Napolitano respected these boundaries, Plaintiff was okay with their friendship and genuinely enjoyed their conversations at the restaurant about life, politics and world events.

Napolitano Invites Plaintiff to His House and Forces Him to Engage Him in a Bizarre Sexual Act

33. On or about September 6, 2015, Napolitano invited to come to defendant Napolitano's house.

34. Plaintiff had mixed feelings about Napolitano's invitation. On the one hand, Plaintiff was genuinely flattered by the fact that Napolitano, a famous television personality, was interested in spending time with him. On the other hand, Napolitano was much older and was a regular patron of the restaurant, so Plaintiff believed it would not be a good idea to be anything more than friends with Napolitano.

35. Notwithstanding his reservations, Plaintiff believed that he could control the situation and set proper boundaries with Napolitano, so decided to go over to his house, as he genuinely enjoyed having conversations with Napolitano. Plaintiff arrived at Napolitano's house around 1:30 P.M. on September 6, 2015.

36. Defendant Napolitano was gracious at first, offering Plaintiff a drink, and making small talk. Thereafter, Napolitano escorted Plaintiff to the kitchen.

37. While defendant Napolitano was fixing a drink, Plaintiff went to the living room and sat down on a white sofa chair.

38. Up to this point, there had been nothing sexual about this encounter at all. The talk between them had been casual banter, and there had been no suggestion that Napolitano was about to engage in any sexual activity with Plaintiff.

39. As defendant Napolitano entered the living room, Plaintiff observed that Napolitano's pants were down, and his penis was fully erect and exposed.

40. Plaintiff was truly shocked by Napolitano's conduct, and didn't know how to react.

41. Before Plaintiff could say anything, Napolitano said "I am really into certain things" and "I want you to do something for me."

42. Thereafter, defendant Napolitano walked up to Plaintiff's chair, and suddenly threw himself onto Plaintiff's lap.

43. Napolitano then told Plaintiff that "I want you to start slapping me really hard."

44. Before Plaintiff could say anything in response, defendant Andrew Napolitano then demanded that James Kruzelnick spank his exposed buttocks while Napolitano masturbated on his lap.

45. Plaintiff was repelled by Napolitano's request and had no interest in playing this bizarre "sex game." But when Plaintiff told Napolitano that he did not want to spank him, Napolitano shouted at him: "*just fucking do it!!*"

46. James Kruzelnick began spanking Andrew Napolitano on his buttocks while Napolitano masturbated.

47. Napolitano then demanded that James Kruzelnick call him "son" while Plaintiff played the role of "daddy," and spanked Napolitano.

48. Thereafter, Andrew Napolitano ejaculated onto one of Plaintiff James Kruzelnick's shoes, leaving Plaintiff feeling disgusted.

49. Plaintiff was angry and upset about what Napolitano had done. Plaintiff felt like Napolitano had used him for his own gratification and forced him to play some type of bizarre sex game that he had no interest in playing. Plaintiff quickly got up and left Napolitano's house.

Napolitano Continues His Pursuit of Plaintiff throughout the Fall of 2015

50. Following this incident, Napolitano continued to relentlessly pursue Plaintiff.

51. From September to November 2015, Napolitano regularly showed up at the restaurant on weekends.

52. Napolitano never mentioned what had happened between them on September 6, 2015 and acted as if everything were perfectly normal between them.

53. Plaintiff felt extremely uncomfortable whenever Napolitano came to the restaurant but was truly afraid of losing his job if he confronted Napolitano or angered him in any way, so he also did not bring up the September 6th incident and instead, did his best to stroke Napolitano's ego and keep things cordial between them.

54. Throughout the fall of 2015, Napolitano's infatuation with Plaintiff only intensified.

55. During this time period, Napolitano would repeatedly tell Plaintiff things like: "I am crazy about you, Jake,"¹, "I am thinking about you," and "I would love to see you soon."

56. Plaintiff did not know how to respond when Napolitano would say such things. Plaintiff did not have any romantic feelings or sexual interest in Napolitano at all, and he wasn't interested in having any type of relationship with him.

57. Plaintiff tried ignoring Napolitano and then dropping subtle clues to Napolitano that he wasn't interested in him, but Napolitano never seemed to get the hint.

¹ "Jake" was Plaintiff's nickname and how his co-workers and friends referred to him.

58. Instead, Napolitano continued to relentlessly pursue Plaintiff, making sexually explicit comments that Plaintiff did not want to hear.

Napolitano Offers to Help Plaintiff with His Legal Troubles in Exchange for Sex

59. After pursuing Plaintiff for several months, Napolitano finally found an opening to get closer to Plaintiff in November 2015.

60. At that time, Plaintiff was experiencing severe discrimination at the restaurant based on his sexual orientation. The restaurant's owner, Steven Scro, would repeatedly make cruel and grossly improper remarks, and would openly call him "faggot" and "gay boy" in front of other employees.

61. Plaintiff was extremely upset and angry over how he was treated by Scro and the management at Mohawk House. He wanted to know what his legal rights were and decided to ask Napolitano.

62. In response, Napolitano, sensing Plaintiff's desperation and an opportunity to exploit him, began boasting about all of the powerful and influential connections that he had.

63. Napolitano said to Plaintiff: "*Do you know who I am?*" "*Do you know how many people I know?*"

64. Napolitano further boasted: "I have fixed cases, and I have gotten people off. I have sent people away."

65. Plaintiff believed everything that Napolitano said. He needed Napolitano's help, and he had nowhere else to turn. But it also concerned Plaintiff that Napolitano displayed a "Jekyll and Hyde" persona. At times he could be cordial, almost charming, but at other times, he seemed like he could be extremely vicious and capable of anything.

Napolitano Lures Plaintiff to His House to Offer “Legal Advice,” But Then Forces Him to Engage in another Bizarre Sexual Act

66. Napolitano suggested that Plaintiff come to his house to discuss his legal situation, telling Plaintiff that it wouldn't be good idea to speak about his legal claims against the Mohawk House while they were still at the restaurant.

67. Feeling that he had little to say in the matter, Plaintiff reluctantly agreed. He needed Napolitano's help and did not want to risk offending him by refusing to come to Defendant's house.

68. While the two had never spoken about the September 6, 2015 incident, enough time had passed since then (almost 3 months) to make Plaintiff believe that Napolitano had “gotten the message” that Plaintiff was not, in fact, interested in any type of sexual or romantic relationship with him, and that Napolitano would comport himself accordingly. Plaintiff was mistaken as to this belief.

69. When Plaintiff arrived at Napolitano's house on or about November 28, 2015, they began engaging in a casual conversation. Napolitano then offered Plaintiff a drink from his high-end liquor cabinet.

70. After a short period of time, Plaintiff steered the conversation to his legal matter, which was the reason why he had come to Napolitano's house in the first place.

71. Napolitano promised to help him, but this time Napolitano added a caveat: Plaintiff would need to do certain things for Napolitano as well. Specifically, Napolitano told Plaintiff “If you do things for me, I'll do things for you.” Plaintiff immediately understood what Napolitano meant.

72. Napolitano then started taking off his pants and exposed his erect penis. He made it clear that he wanted to again play the same spanking “game” that the two had played back in

September: Napolitano lied down on Plaintiff's lap and told Plaintiff to hit him harder and harder, and call him "son."

73. Plaintiff was disgusted and repelled by the prospect of playing this sex "game" again. Plaintiff was not attracted to Napolitano -- who, again, was 20 years older than Plaintiff -- and did not get any pleasure whatsoever out of spanking Napolitano. Plaintiff was simply not into BDSM activities,² and had no interest whatsoever in doing so with Napolitano.

74. Still, Plaintiff felt like he could not risk telling Napolitano "No." He feared not only that Napolitano would withdraw his offer for help, but also, that he would tell Steve Scro, his boss, that Plaintiff had gone to Napolitano to get legal advice for the discrimination he was experiencing at Mohawk House, which could cost him his job. The risk seemed too high to Plaintiff, so he acquiesced to Napolitano's demands.

Napolitano Gains Further Control Over Plaintiff When He Agrees to Help Plaintiff's Brother with his Criminal Case, in Exchange for Plaintiff's "Cooperation"

75. After the November 28, 2015 incident, Napolitano realized that he could extract sexual favors from Plaintiff by helping him out with his legal problems.

76. In June 2016, Plaintiff again came to Napolitano, asking if he could refer him to an attorney because the discrimination at work had escalated, as well as for help regarding his younger brother Dallas' criminal case. Napolitano was only too happy to oblige.

77. Napolitano again told Plaintiff that he had "fixed cases" before and had helped a lot of people out of legal trouble, and that he could certainly do so for his brother.

78. To make his offer of help seem even more "real," Napolitano agreed to meet Plaintiff's brother and discuss his case.

79. On or about June 24, 2016, Napolitano invited Plaintiff out to dinner at a restaurant

² "BDSM" refers to "Bondage, Discipline, Sadism and Masochism."

called Casa Bellissima in Andover, New Jersey. Napolitano told Plaintiff that before they went out to dinner, he would meet with Plaintiff's brother, Dallas, and learn more about his case.

80. The meeting took place as planned, and the three of them met inside of Plaintiff's truck early on or about the evening of June 24, 2016.

81. Dallas recognized Judge Napolitano from TV, and felt extremely lucky to have such a powerful and influential person helping him out behind the scenes.

82. During this meeting, Napolitano spoke directly with Dallas, and promised him that he would do everything in his power to help him, but *only* "if your brother gives me his full cooperation."

83. From his prior experiences with Napolitano, Plaintiff understood exactly what Napolitano meant by "cooperation." Plaintiff would have to continue perform sexual favors for Napolitano if he wanted Napolitano to help out his brother.

84. As his brother's criminal case continued over the next year, Napolitano extracted his end of the "bargain" multiple times, getting Plaintiff to perform sexual acts for him that were abhorrent and repulsive to Plaintiff in every respect.

85. Throughout this period, Plaintiff felt completely trapped. He needed Napolitano's help for his brother. Plaintiff couldn't bear the thought of his brother going away to prison for a long time, especially since his brother had just become a father for the first time, and this baby boy would be left fatherless if Dallas went to jail.

86. While Plaintiff felt humiliated, degraded and abused by Napolitano, he also felt that he was powerless to stop the abuse. If he refused to do what Napolitano wanted him to do, then Napolitano would refuse to help out his brother, and Dallas would go to jail. So in Plaintiff's mind, he had only one choice: he needed to do anything and everything that Napolitano wanted in order

to save his brother.

87. From the spring of 2016 through the summer of 2017, Napolitano continued to exert severe psychological domination and control over Plaintiff, dangling offers of help for Plaintiff with his legal problems -- while also making veiled threats of what he would do if someone betrayed him -- as a means of continuing to extract sexual favors from Plaintiff.

88. On one such occasion, Napolitano had come to the Mohawk House with a young man, who appeared to be to be in his twenties, and whom Defendant identified as an “intern from Fox News.”

89. This was not the first time that Napolitano had brought a young man from Fox News to the Mohawk House for dinner. But it was the first time that Napolitano had actually introduced the young man to Plaintiff, and had made plans with Plaintiff that involved an intern from Fox News.

90. Specifically, that evening Napolitano invited Plaintiff and the Fox News intern back to his home. Shortly after arriving at Napolitano’s home, Plaintiff was given a drink and within ten to fifteen minutes of consuming the beverage, Plaintiff felt extremely woozy as if he had been drugged. He woke up hours later in Napolitano’s bed, with blurred memories of engaging in a sexual threesome with Napolitano and the Fox news intern.

Napolitano Attempts to Rape and Sodomize Plaintiff in August 2017

91. The last and final encounter between Napolitano and Plaintiff took place on or about August 6, 2017.

92. On that date, Plaintiff again was invited to Napolitano’s farm, this time go swimming in Napolitano’s pool.

93. When Plaintiff arrived, he was instructed by defendant Napolitano to go up to the

master bedroom to change into his swim trunks.

94. Plaintiff did as Napolitano had instructed him, and headed upstairs to change.

95. While in the process of changing, in fact while his pants were around his ankles, Plaintiff was violently attacked by defendant Napolitano.

96. Plaintiff James Kruzelnick told Napolitano to get off of him; Napolitano did not listen.

97. Thereafter, Andrew Napolitano tried to anally rape James Kruzelnick.

98. Plaintiff Kruzelnick tried to escape, but as he attempted to run, he tripped as his pants were still around his ankles.

99. Thereafter, defendant Napolitano tried to forcibly sodomize Plaintiff by forcing his penis into Kruzelnick's mouth.

100. Plaintiff shut his mouth and refused to perform oral sex on defendant Andrew Napolitano.

101. Plaintiff continued to resist, attempting to kick defendant Napolitano off of him, and screaming to let him go.

102. Eventually, defendant Napolitano acquiesced, and removed his hands from James Kruzelnick.

103. Plaintiff immediately got dressed, and left Napolitano's house. Plaintiff never saw Napolitano again.

Plaintiff is Left Visibly Shaken and Emotionally Devastated by Napolitano's Rape Attempt, as Several Close Family Members and Co-workers Confirm.

104. Napolitano's violent attack on Plaintiff had devastating consequences on him.

105. Following the attack, Plaintiff told several people about Napolitano's attempted rape. But even without Plaintiff saying a word, the people closest to him, including his family and

co-workers, could see that something terrible had happened to him.

106. After Napolitano's attack, Plaintiff's demeanor underwent a sudden and drastic change. Whereas before, Plaintiff was affable, friendly and outgoing, he suddenly became severely depressed and withdrawn. He would start crying for no apparent reason.

107. The situation got so bad that one of his co-workers felt the need to ask him what was wrong.

108. James' co-worker had noticed that whenever "the Judge" -- as he was known to staff members -- came to the restaurant, Plaintiff became extremely fearful, nervous and agitated. Plaintiff's co-worker also noticed that Plaintiff made every effort to avoid going to the Judge's table, and that other staff members would have to go instead.

109. When James' co-worker asked him what was wrong, Plaintiff told his co-worker that something very bad had happened. He explained that the Judge had been "stalking" him for a while, and that if he told the truth about what the Judge had done to him, "no one would believe me because I'm gay."

110. Plaintiff's fragile emotional state left a very strong impression on this co-worker. After speaking with Plaintiff, his co-worker was convinced that "something very bad had happened" and that whatever had happened, it had left Plaintiff "extremely fearful and clearly traumatized."

111. As a direct result of Defendant's conduct described herein, Plaintiff has suffered, and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff has been prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss

of income and/or loss of earning capacity.

FIRST CLAIM FOR RELIEF
SEXUAL ABUSE

112. Plaintiff JAMES KRUZELNICK repeats and realleges each and every allegation set forth above as if fully set forth herein.

113. Defendant ANDREW NAPOLITANO did sexually assault, sexually abuse, and/or have sexual contact with Plaintiff in violation of the laws of the State of New Jersey.

114. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Defendant ANDREW NAPOLITANO placed Plaintiff in imminent and reasonable apprehension of harmful and offensive contact.

115. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Defendant ANDREW NAPOLITANO acted so as to cause repeated unjustified, harmful and offensive physical contact with Plaintiff.

116. As a direct result of Defendant's conduct, Plaintiff has suffered the injuries and damages described herein.

117. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CLAIM FOR RELIEF
ASSAULT

118. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

119. Defendant's aforementioned actions placed Plaintiff JAMES KRUZELNICK in apprehension of imminent harmful and offensive bodily contact.

120. As a result of the foregoing, Plaintiff JAMES KRUZELNICK sustained, *inter alia*, assault, battery, severe emotional distress, embarrassment, humiliation, physical pain and mental anguish, together with shock, fright, and apprehension.

THIRD CLAIM FOR RELIEF
BATTERY

121. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

122. Defendant ANDREW NAPOLITANO touched Plaintiff in a harmful and offensive manner.

123. Defendant did so without privilege or consent from Plaintiff JAMES KRUZELNICK .

124. As a result of the foregoing, Plaintiff JAMES KRUZELNICK sustained, *inter alia*, assault, battery, severe emotional distress, embarrassment, humiliation, physical pain and mental anguish, together with shock, fright, and apprehension.

FOURTH CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

125. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

126. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.

127. The aforementioned conduct was intentional and done for the sole purpose of causing severe emotional distress to Plaintiff.

128. As a result of the aforementioned conduct, Plaintiff JAMES KRUZELNICK suffered severe emotional distress, physical and mental injury, together with embarrassment, humiliation, shock, and fright.

FIFTH CLAIM FOR RELIEF
SEXUAL ASSAULT (Rape/Forcible Sodomy)

129. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

130. Defendant NAPOLITANO'S unlawful conduct, as set forth above, constitutes Sexual Assault under 2C:14-2 (C)(1), in that defendant Napolitano committed the act of attempting sexual penetration on James Kruzelnick by use of physical force and/or coercion.

131. As a result of the foregoing, Plaintiff James Kruzelnick sustained, *inter alia*, assault, battery, emotional distress, embarrassment, humiliation, physical pain and mental anguish, together with shock, fright, and apprehension.

WHEREFORE, Plaintiff JAMES KRUZELNICK hereby demands judgment against the Defendant on each cause of action as follows:


- A. Awarding compensatory damages in the amount of \$10,000,000;
- B. Awarding punitive damages in the amount of \$5,000,000.00;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

Dated: New York, New York
September 28, 2020

Respectfully submitted,

JOSEPH & NORINSBERG, LLC

By :



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Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-006413-20

Case Caption: KRUZELNICK JAMES VS NAPOLITANO ANDREW

Case Initiation Date: 09/28/2020

Attorney Name: DIEGO OSWALDO BARROS

Firm Name: JOSEPH AND NORINSBERG LLC

Address: 225 BROADWAY STE 2700

NEW YORK NY 10007

Phone: 2122275700

Name of Party: PLAINTIFF : Kruzelnick, James

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: CIVIL RIGHTS

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: James Kruzelnick? YES

Plaintiff's date of birth: 01/24/1970

Est. date of first incident of abuse: 12/01/2014

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

09/28/2020

Dated

/s/ DIEGO OSWALDO BARROS

Signed