

**SUPREME COURT OF THE STATE NEW YORK  
COUNTY OF KINGS**

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BRENDA MORGAN,

Plaintiff,

v.

Index No.:

NYP HOLDINGS, INC., d/b/a THE NEW YORK  
POST, MELKORKA LICEA, in her professional and  
personal capacities, SUSAN EDELMAN, in her  
professional and personal capacities, EDWARD  
SHECHTMAN, in his professional and personal  
capacities and GAIL ROTHFELD, in her professional  
and personal capacities, ,

**SUMMONS**

Defendants.  
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To the above named Defendants:

**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 Plaintiffs' attorney within 20 days after service of this summons, exclusive of the day of service (or within 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 be taken against you by default for the relief demanded in the complaint.

Dated: January 3, 2017  
Brooklyn, New York

ALEXIS PADILLA, ESQ.

KENNETH J. MONTGOMERY, PLLC.

KEITH WHITE, PLLC.

By: /s/Keith White

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and personal capacities, ,

**VERIFIED  
COMPLAINT**

Defendants.  
-----X

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Brenda Morgan, by and through her counsel, KEITH WHITE, PLLC,  
KENNETH J. MONTGOMERY, PLLC and ALEXIS PADILLA, ESQ., as and for her  
Complaint in this action against Defendants NYP HOLDINGS, INC., d/b/a THE NEW  
YORK POST, MELKORKA LICEA, in her professional and personal capacities,  
SUSAN EDELMAN, in her professional and personal capacities, EDWARD  
SHECHTMAN, in his professional and personal capacities and GAIL ROTHFELD, in  
her professional and personal capacities,, (collectively, the "Defendants"), hereby  
alleges the following:

**NATURE OF THE CLAIMS**

1. This action is for declaratory, injunctive and equitable relief, as well as for  
monetary damages to redress acts of defamation and libel *per se* committed by Defendants  
against the Plaintiff.

2. Defendants' unlawful conduct was knowing, malicious, willful and  
wanton and/or showed a reckless disregard for the Plaintiff's rights, which has caused,

and continues to cause, the Plaintiff disgrace, humiliation and shame throughout the world, threats from unknown persons, permanent harm to her professional and personal reputations, and severe mental anguish and emotional distress.

### **PRELIMINARY STATEMENT**

3. This case is about repeated acts of defamation and libel *per se* committed by the New York Post, two of its reporters, and two volleyball coaches against a woman who was simply doing her job in the administration of high school athletics. Specifically, in a news article published in both the hardcopy and online editions of the New York Post on Sunday October 2, 2016, the Defendants falsely, maliciously and with reckless disregard for the truth stated as a fact, that the Plaintiff is a "Grinch of Jewish Holidays," was "being like a nazi," and "hung up when called for questioning." All of these statements are false, have subjected the Plaintiff to humiliation, scorn and ridicule throughout the world by falsely portraying her as a racist and anti-semite in her professional position at the Department of Education. These false statements constitute defamation and libel *per se*.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over Defendant NYP Holdings, Inc., d/b/a the New York Post, pursuant to Civil Practice Law and Rules ("CPLR") § 301 in that it is a domestic corporation duly existing under and by virtue of the laws of the State of New

York and has its principal place of business located at 1211 Avenue of the Americas, New York, New York.

5. This Court has jurisdiction over Defendants Melkorka Licea and Susan Edelman pursuant to CPLR § 301 in that they are employees of the New York Post and work in the State of New York. Additionally, this Court has jurisdiction over Defendants Edward Shechtman and Gail Rothfeld in that they are employees of the City of New York and work in the State of New York.

6. Pursuant to CPLR §503, venue is proper in this county because the Plaintiff currently resides in Kings County.

#### **PARTIES**

7. Plaintiff, a female resident of the Kings County, Brooklyn, New York, is an administrative official who works at the Department of Education in the City of New York.

8. Defendant NYP Holdings, Inc., d/b/a the New York Post, publishes one of the largest and most influential newspapers in the country, and it is read each day by millions of people all over the world, including on the Internet.

9. Defendant Melkorka Licea is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

10. Defendant Susan Edelman is, and was at all relevant times herein, a reporter with the New York Post, who, upon information and belief, currently resides in the State of New York.

11. Defendant Edward Shechtman is, and was at all relevant times herein, a volleyball coach, who, upon information and belief, currently resides in the State of New York.

12. Defendant Gail Rothfeld is, and was at all relevant times herein, a volleyball coach, who, upon information and belief, currently resides in the State of New York.

13. Other parties may be named later.

### **FACTUAL ALLEGATIONS**

14. Plaintiff is an Executive Administrator with the New York City Department of Education and is charged with scheduling Varsity Volleyball games.

15. Defendant Shechtman and Defendant Rothfeld are Volleyball coaches employed by the New York City Department of Education.

16. Defendant Shechtman, Defendant Roth, Defendant Melkorka Licea, Defendant Susan Edelman and Defendant New York Post printed and published a defamatory article regarding the Plaintiff on October 2, 2016 with the intent to cause the Plaintiff to suffer severe emotional distress by falsely, maliciously and/or with reckless disregard for the truth stating as a fact that the Plaintiff is a "like a Nazi," "the Grinch of Jewish holidays," and therefore biased against Jewish holidays in favor of Christian holidays. Defendants also falsely alleged that when reached by phone Plaintiff hung up when questioned about these false statements.

17. Plaintiff has never acted like a Nazi, a Grinch of Jewish holidays, is not biased against Jewish holidays in favor of Christian holidays and was never contacted by phone by any of the defendants prior to the publication of the subject article.

17. Defendants knew, or should have known, the falsity of such statements

before they were published in the New York Post.

**A. Defamation and Libel *Per Se* by the Post**

18. On October 2, 2016, Defendant New York Post published and circulated a defamatory story that falsely stated Plaintiff is a "like a Nazi," "the Grinch of Jewish holidays," biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

19. Defendant New York Post knew, or should have known, that this statement was false before it was published.

**B. Defamation and Libel *Per Se* by the Post and Melkorka Licea**

20. On October 2, 2016, Defendant Melkorka Licea reported and Defendant New York Post published a defamatory story that falsely stated Plaintiff is a "like a Nazi," "the Grinch of Jewish holidays," biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

21. Defendants New York Post and/or Melkorka knew, or should have known, that this statement was false before it was published.

22. Upon information and belief, Defendant Melkorka was acting within the scope of her respective employment with Defendant New York Post when Defendants New York Post and/or Melkorka wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

**C. Defamation and Libel *Per Se* by the Post and Susan Edelman**

23. On October 2, 2016, Defendant New York Post published and circulated a defamatory story that falsely stated Plaintiff is a "like a Nazi," "the Grinch of Jewish holidays," biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements." This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

24. Defendants New York Post and Defendant Susan Edelman knew, or should have known, that this statement was false before it was published.

25. Upon information and belief, Defendant Susan Edelman was acting within the scope of her employment with Defendant New York Post when Defendants New York Post, Licea, Edelman, Shechtman and Roth wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

**D. Defamation and Libel *Per Se* by the Post, Licea, Edelman, Shechtman and Roth**

26. On October 2, 2016, in an article in that day's hardcopy edition entitled, "Spiked on Yom Kippur," and its emboldened byline, "School big snubs coaches over holiday," Defendants New York Post, Licea, Edelman, Shechtman and Roth stated that, Plaintiff is a "like a Nazi," "the Grinch of Jewish holidays," biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements. This false and scurrilous statement constituted defamation and libel *per se* committed against the Plaintiff.

27. Defendants New York Post, Licea, Edelman, Shechtman and Roth knew, or should have known, that this statement was false before it was published.

28. Upon information and belief, Defendants Licea and Edelman were acting within the scope of their respective employment with Defendant New York Post when Defendants New York Post, Licea, Edelman, Shechtman and Roth wrote, issued, approved, endorsed and/or ratified the above defamatory statement.

29. These defamatory and libelous statements described above were made by the Defendants with malice and/or a reckless disregard for the truth or falsity of such statements.

30. These defamatory and libelous statements described above were published to third parties, namely, to millions of readers of the New York Post.

31. As a result of these defamatory and libelous statements described above, other individuals, newspapers and/or news organizations around the world have reached out to the Plaintiff through emails and telephone calls for comment that she anti-semitic views as reported by the New York Post, Melkorka Licea, Susan Edelman, Edward Shechtman and Gail Rothfeld named in this lawsuit. Additionally, multiple news organizations around the world have repeated the false and defamatory statements by Defendants about the Plaintiff.

32. These defamatory and libelous statements described above have had a devastating effect on the Plaintiffs personal and professional reputations.

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

**(Defamation and Libel *Per Se*)**

33. The Plaintiff hereby repeats and re-alleges each and every allegation in paragraphs 1 through 32, inclusive, as if fully set forth herein.

34. Defendants either published, or caused to be published, defamatory statements about the Plaintiff.

35. Specifically, these defamatory statements included the false statements

that Plaintiff acts like a "nazi," and is "the Grinch of Jewish holidays," and then included assertions that the Plaintiff is biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements.

36. Defendants published these defamatory statements to the public through the hardcopy and online editions of the New York Post on October 2, 2016.

37. These defamatory statements were untrue and defamatory in that they falsely reported the Plaintiffs character and actions, and Defendants knew, or should have known, that such statements were false.

38. Defendants published these false and defamatory statements with malice.

39. Defendants published these false and defamatory statements with knowledge of their falsity and/or with a reckless disregard for the truth or falsity of these statements.

40. These statements constitute defamation and/or libel *per se* because they falsely portray the Plaintiff as a woman who is racist and anti-Semitic.

41. These statements constitute defamation and/or libel *per se* because they falsely impugn the Plaintiffs honesty, trustworthiness, dependability, and professional fitness and abilities by falsely charging her with engaging in discriminatory practices and/or other conduct that would tend to injure the Plaintiff in her trade or business, namely as an Executive Administrator at the NYC Department of Education.

42. These false and defamatory statements have caused the Plaintiff embarrassment, humiliation and emotional injury.

43. Defendants are liable to the Plaintiff for defamation.

44. Defendants knew, or should have known, of the falsity of such statements made in the hardcopy and online editions of the New York Post on October 2, 2016.

45. Upon information and belief, Defendants have made, and continue to make, this and similarly false and defamatory statements about the Plaintiff to third parties.

46. As a result of said defamation, the Plaintiff continues to suffer from humiliation, loss of standing in the community, loss of self-esteem, public disgrace and severe and extreme emotional distress.

47. The defamatory acts committed against the Plaintiff by Defendants were intentional, willful, wanton, malicious and oppressive and were motivated, in part, by a desire to sell newspapers without regard for the truth or the Plaintiffs well-being and were based on a lack of concern and ill-will towards the Plaintiff and/or a deliberate or reckless disregard for her rights, for which the Plaintiff is entitled to an award of punitive damages.

48. The Plaintiff has suffered harm as a result of the defamatory statements including, but not limited to, reputational harm, emotional distress and mental anguish and the statements were defamatory *per se*.

49. As a result of Defendants' conduct, the Plaintiff is entitled to monetary and punitive damages.

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

**(Intentional Infliction of Emotional Distress)**

50. The Plaintiff hereby repeats and re-alleges each and every allegation in paragraphs 1 through 49, inclusive, as if fully set forth herein.

51. Defendants engaged in conduct toward Plaintiff that is extreme and outrageous so as to exceed the bounds of decency in a civilized society.

52. Among other conduct, Defendants' false, scurrilous and defamatory

statements published in the New York Post on October 2, 2016 that the Plaintiff is a "nazi," "the Grinch of Jewish holidays," biased against Jewish holidays in favor of Christian holidays and was reached by phone where Plaintiff hung up on when questioned about these false statements., when Defendants knew, or should have known about the falsity of those statements, constitutes extreme and outrageous conduct that exceeds the bounds of decency in a civilized society.

53. By their actions and conduct, Defendants intended to and did intentionally or recklessly cause the Plaintiff to suffer severe emotional distress.

54. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and continues to suffer, severe emotional distress, for which she is entitled to an award of damages.

55. Defendants' extreme and outrageous conduct was knowing, malicious, willful and wanton, entitling the Plaintiff to an award of punitive damages.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein were defamatory and intentionally or recklessly cause the Plaintiff to suffer severe emotional distress;

B. An injunction and order permanently restraining defendants from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate the Plaintiff for all monetary and/or economic harm;

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate the Plaintiff for harm to her professional and

personal reputations and loss of career fulfillment;

E. An award of damages in an amount to be determined at trial, plus Pre-judgment interest, to compensate the Plaintiff for all non-monetary and/or compensatory harm, including but not limited to, compensation for her mental anguish;

F. An award of damages for any and all other monetary and/or non-monetary losses suffered by the Plaintiff in an amount to be determined at trial, plus prejudgment interest;

G. An award of punitive damages;

H. An award of costs that the Plaintiff has incurred in this action, as well as Plaintiffs reasonable attorneys' fees to the fullest extent permitted by law; and

I. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York

January 3, 2017

Respectfully submitted,

ALEXIS PADILLA, ESQ.  
KENNETH MONTGOMERY, PLLC  
KEITH WHITE, PLLC  
By:           /s/**Keith White**  
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