

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

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**MICHAEL J. PULIZOTTO,**

**INDEX NO.:**

**Plaintiff,**

**SUMMONS**

**-against-**

**DENNIS W. QUIRK, personally and individually,**

**Defendant.**

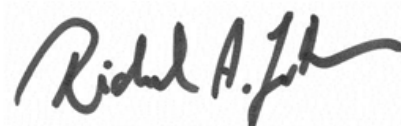
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**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiffs attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is §509 of the CPLR and the fact that Plaintiff cannot get a fair trial in Richmond County.

DATED: Staten Island, New York  
October 15, 2017

Respectfully submitted,  
THE LUTHMANN LAW FIRM, PLLC



By: \_\_\_\_\_

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TO: DENNIS QUIRK  
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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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**MICHAEL J. PULIZOTTO,**

**INDEX NO.:**

**Plaintiff,**

**VERIFIED COMPLAINT**

**-against-**

**JURY TRIAL DEMANDED**

**DENNIS W. QUIRK, personally and individually,**

**Defendant.**  
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Plaintiff, MICHAEL J. PULIZOTTO, by his attorneys The Luthmann Law Firm, PLLC, and Richard A. Luthmann, Esq., for their complaint against the above-named Defendant, DENNIS W. QUIRK hereby allege as follows:

**PRELIMINARY STATEMENT**

1. The date, September 7, 2017, is a date that shall live in infamy in Staten Island history. On September 7, 2017, the circus came to town. The Defendant, DENNIS W. QUIRK (“QUIRK”) in his individual and personal capacity exploded on the courthouse steps as part rabid-dog and part carnival-barker, in a dangerous, intentional, outrageous, and malicious manner. QUIRK caused serious, substantial, unconscionable, intentional, and malicious harm to the Plaintiff, MICHAEL J. PULIZOTTO (“PULIZOTTO”), in the center of the public square – the steps of the Richmond County Courthouse – all to advance QUIRK’s own personal and political agenda.

2. The date, September 7, 2017, shall always and hereafter be known as “THE DAY OF THE RAT” in Richmond County.

3. PULIZOTTO seeks damages and declaratory judgment based on the intentional, malicious, extreme, outrageous, and harmful actions of QUIRK as against PULIZOTTO, all of which were done intentionally, maliciously, and outside the scope of any employment, titles, and / or positions held by QUIRK other than in his personal and individual capacity and which are compensable and redressable under the laws of this state.

### **PARTIES AND JURISDICTION**

4. Plaintiff, MICHAEL J. PULIZOTTO (“PULIZOTTO”) is a natural person who resides in Richmond County, New York.

5. PULIZOTTO was, beginning in July 2015 and until September 2017, the Chief Clerk of the Richmond County Courts.

6. PULIZOTTO is a trail-blazer as he was the first openly-gay Chief Clerk for any county in the City of New York.

7. Defendant, DENNIS W. QUIRK (“QUIRK”) is a natural person who resides in Richmond County, New York.

8. QUIRK is a powerful political figure in Staten Island. QUIRK’s daughter is a sitting Civil Court Judge, who is romantically tied to Richmond County Supreme Court Officer Major Steven Panella. See EXHIBIT “A” which is also available at:

<http://www.brooklyneagle.com/articles/2016/12/27/judge-susan-quirk-sworn-appellate-court>

9. QUIRK is also close to Staten Island political power couple Judith McMahon (Supreme Court Justice and former Administrative Justice for Richmond County) and Michael McMahon (The District Attorney for Richmond County), who will be further discussed *infra*. To give a sense of the relationship, QUIRK admitted to PULIZOTTO: “I’m

the only one that can talk to Judy [McMahon]. Do you know what? Even Mike [McMahon] has me speak to her because I can speak to her better than her own husband.”

10. The amounts claimed at issue exceed the jurisdictional limits of all lower courts which may have jurisdiction.

11. Venue is proper as Plaintiff cannot receive a fair trial in Richmond County, New York.

12. The Plaintiff’s choice of forum will stand under §509 of the CPLR because venue is rarely disturbed, particularly where the interests of justice militate a venue away from the wholesale reach of QUIRK, his personal and political allies, or the appearance thereof. *Waterways Ltd. v. Barclays Bank PLC*, 174 A.D.2d 324, 327 (1st Dept. 1991).

### **SUMMARY OF THE FACTS**

#### **QUIRK orchestrates THE DAY OF THE RAT to maliciously harm PULIZOTTO, to intimidate would-be witnesses, and obfuscate justice with respect to the McMahon Courthouse Scandal.**

13. On September 7, 2017, (“THE DAY OF THE RAT”) a Giant Rat appeared on the sidewalk adjoining the property of the Richmond County Courthouse on 26 Central Avenue, Staten Island, New York, 10301, bearing the names of the Plaintiff: “MIKE PULIZOTTO” and his then-co-worker “FORBES IRVINE” (the “Giant Rat”). See EXHIBIT “B”.

14. The Defendant, QUIRK, was responsible for the appearance of the Giant Rat.

15. The Giant Rat blocked the entrance to the courthouse parking lot and was seen by each and every person entering the courthouse that day, including judges, attorneys, law enforcement, and staff.

16. The Defendant, QUIRK, admitted his responsibility for the Giant Rat to the local press. "We put it up so everybody understood what he did," QUIRK said. See EXHIBIT "C", available at:

[http://www.silive.com/news/2017/09/judicial\\_whistleblower\\_told\\_to.html](http://www.silive.com/news/2017/09/judicial_whistleblower_told_to.html)

17. The Defendant, QUIRK, has a basic misunderstanding of what Plaintiff PULIZOTTO "did".

18. The Plaintiff, PULIZOTTO, has been cooperating with the Inspector General of the Office of Court Administration ("OCA") and other law enforcement agencies, state and federal (the "Authorities"), since July 2015.

19. The Authorities are empowered to investigate and / or act upon potential violations documented and observed by PULIZOTTO.

20. The Defendant, QUIRK, fears justice as against himself and his personal and political allies based upon the evidence presented to the Authorities by the Plaintiff, PULIZOTTO, as detailed infra.

**What was said two days before THE DAY OF THE RAT.**

21. The Defendant, QUIRK, set up or caused to be set up the Giant Rat at some on or before 8:00 a.m. on THE DAY OF THE RAT.

22. Two days earlier, on September 5, 2017, the Defendant, QUIRK, lied in wait for the Plaintiff, PULIZOTTO, along with at least eight (8) uniformed and armed court officers loyal to QUIRK outside the entrance to the Richmond County Courthouse.

23. When the Plaintiff, PULIZOTTO, appeared for work that morning, the following exchange was had between QUIRK and PULIZOTTO in the presence of the at least eight (8) uniformed and armed court officers as well as all that were in earshot in the public square adjoining the Richmond County Courthouse:

**QUIRK:** Your FOP plates are going to be revoked by the National President of the FOP because you are a rat. You were wiring everybody, you wired me, you wired other people, you wired conversations - you're a rat. You're a low-life rat. And by this afternoon every Chief Clerk in every building in the City of New York will know the rat that you are.

**PULIZOTTO:** You mean the recording that you used on me?

**QUIRK:** No, no, the recording - you went to the IG with recordings and to the Attorney General and everybody knows it. And you know what? Brian tell him you are not going to talk to him, Brian.

**PULIZOTTO:** You mean the recording that you used on me? You don't remember that?

**QUIRK:** Don't try to change the subject. Don't try to change the subject. You're a low-life. You're a low-life. You know what? You're low. Okay? I'm going to write a letter to the head of the FOP and tell him you're not a fucking law enforcement. You're a fucking wannabe cop. And you're not a fucking cop. And you're not law enforcement. You're a shithead. Okay? So, I hope your tape recorder is on and I hope you have it all in there. And I'm gonna be very [inaudible] when the Baboulis family finds out what you've been saying about their daughter and what you've been doing when you're over their house taping their conversations. So, we'll see what everybody says. So, when every judge comes in today and every employee were going around the entire building. Then were going to the Law Department. Then we're going to old Supreme Court. Then we're going to County Clerk. Then I'm going to do a conference call with every Chief Clerk and tell them what a low-life scumbag you are ok

**PULIZOTTO:** Okay. Okay. Please do. Please do. You're always a gentleman. Always a gentleman.

**QUIRK:** You're a low-life! And you know what? You called me about getting your father into a nursing home. You fucking lied to me about it.

I'm going to tell you that right now. I'm going to call that nursing home and call that nursing home and tell them what a fucking low-life you are.

**PULIZOTTO**: Okay.

24. The entire exchange as between QUIRK and PULIZOTTO was documented and recorded by PULIZOTTO and is available to listen to here:

[https://drive.google.com/open?id=0ByLw\\_4SGXICXTnBJNVVWN05uMms](https://drive.google.com/open?id=0ByLw_4SGXICXTnBJNVVWN05uMms)

25. After QUIRK stormed off from the Richmond County Courthouse, QUIRK proceeded to Hyatt Street, the thoroughfare adjoining the public square next to the Richmond County Courthouse and proclaimed for all to hear: "FORBES IRVINE, you are a no good filthy RAT. I tried to come by your office but you were locked in MIKE PULIZOTTO's office sucking his cock!"

26. Forbes Irvine was a co-worker of PULIZOTTO at the Richmond County Courthouse on September 5, 2017.

27. Forbes Irvine's name also appears on the Giant Rat that QUIRK was responsible for being set up on THE DAY OF THE RAT.

28. At all relevant times, QUIRK knew PULIZOTTO was openly-gay.

29. QUIRK's false and defamatory statements about the sexual activities of PULIZOTTO and FORBES IRVINE were intentionally designed to do harm to PULIZOTTO and were motivated by actual malice towards PULIZOTTO because PULIZOTTO is openly-gay.

30. QUIRK's statements are bigoted as against PULIZOTTO based upon PULIZOTTO's sexual orientation.



**THE DAY OF THE RAT was the Giant Rat's first-ever appearance at the Richmond County Courthouse.**

31. THE DAY OF THE RAT was the Giant Rat's first-ever appearance at the Richmond County Courthouse.

32. Inflatable rats, or union rats, are commonly used in the United States by protesting or striking trade unions against their employers or against nonunion contractors, serving as a sign of opposition and to call public attention to companies employing nonunion labor.

33. While the inflatable rat sometimes varies in appearance and size, it generally features large teeth and grotesque features, particularly a scabby belly. Many unions have nicknamed the inflatable rat "Scabby the Rat", a reference to scabs.

34. Neither PULIZOTTO or FORBES IRVINE is or was a "SCAB".

35. The appearance of the Giant Rat was done personally by QUIRK to advance his own individual, personal, and political interests.

36. QUIRK is the President of the New York State Court Officer's Association.

37. The members of the New York State Court Officer's Association have been laboring without a contract for the past five (5) years and the presence of the Giant Rat to protest this fact probably would have been justified.

38. The members of the New York State Court Officer's Association have been negotiating for "police officer status" under state law and the presence of the Giant Rat to protest this fact probably would have been justified.

39. The members of the New York State Court Officer's Association have been negotiating for better safety conditions and protocols to protect its members and the presence of the Giant Rat to protest this fact probably would have been justified.

40. The members of the New York State Court Officer's Association have not been permitted to honor their fallen members from 9-11-2001 with a memorial in the lobby of the Richmond County Courthouse while every other borough has a memorial of some sort because Judith McMahon, then-Administrative Judge did not want a "trophy case" in "her courthouse" and the presence of the Giant Rat to protest this fact probably would have been justified.

41. QUIRK's stated reason for the presence of the Giant Rat on THE DAY OF THE RAT was: "We put it up so everybody understood what he did."

42. PULIZOTTO did nothing offensive to the New York State Court Officer's Association that would warrant the presence of the Giant Rat.

43. At all relevant times, PULIZOTTO has been cooperating with the Authorities.

44. PULIZOTTO, as an attorney, has an ethical obligation to report wrongdoing to "a tribunal or other authority empowered to investigate or act upon such violation." See NYSBA Ethics Opinion 1120, attached herewith as EXHIBIT "D".

45. At no time did PULIZOTTO report or allege any wrongdoing as to any rank and file member of the New York State Court Officer's Association.

46. Basically, QUIRK is hoodwinking the rank and file members of the New York State Court Officer's Association by expending the union's resources only when it benefits him personally and not when it benefits the union as a whole.

47. QUIRK also spends the New York State Court Officer's Association's money of lawyers to defend him personally, including, upon information and belief, related to this lawsuit and a letter sent on September 15, 2017, by Baron Associates, P.C., as discussed, *infra*.

**QUIRK threatens PULIZOTTO again on THE DAY OF THE RAT**

48. On THE DAY OF THE RAT, September 7, 2017, the Defendant, QUIRK, again threatened Plaintiff, PULIZOTTO.

49. QUIRK said to PULIZOTTO, after lying in wait at the entrance to the courthouse with numerous third parties, including armed and uniformed court officers loyal to Quirk:

**QUIRK:** Hey. Good morning RAT! Say hello to your brothers. We're coming to your house Saturday and Sunday. Let's [inaudible] and see the RAT!

**PULIZOTTO:** You have a great day.

50. The entire exchange as between QUIRK and PULIZOTTO was documented and recorded by PULIZOTTO and is available to listen to here:

[https://drive.google.com/open?id=0ByLw\\_4SGXICXTTFxa2FmTzN6YVE](https://drive.google.com/open?id=0ByLw_4SGXICXTTFxa2FmTzN6YVE)

51. PULIZOTTO is the primary caregiver for his disabled brother and senior-citizen mother who both live with him.

52. QUIRK's statements placed PULIZOTTO in fear and apprehension of bodily harm to be caused to him and members of his family by QUIRK and / or his minions.

53. QUIRK's statements caused PULIZOTTO severe and substantial emotional distress.

54. PULIZOTTO, fearing for his life and/or grave bodily harm to himself and his family, requested police protection from QUIRK in an email dated September 7, 2017, to the Honorable George J. Silver. See the attached EXHIBIT "E".

**QUIRK has a history of threatening and bullying others, particularly government employees he believes he can control.**

55. QUIRK is a principal and owner of CITY ICE SPORTS, INC., a company that holds several lucrative concessions contracts with the City of New York, including the concessions at the Clove Lakes Memorial Ice Skating Rink.

56. Merriam Webster Dictionary defines "BULLY" as a blustering, browbeating person; especially: one who is habitually cruel, insulting, or threatening to others who are weaker, smaller, or in some way vulnerable.

57. QUIRK is a BULLY.

58. QUIRK regularly threatens NYC Parks employees in the conduct of his concessions business as is evident from this exchange:

[https://drive.google.com/open?id=0ByLw\\_4SGXICXMTR4SUtGVmZOSzA](https://drive.google.com/open?id=0ByLw_4SGXICXMTR4SUtGVmZOSzA)

59. QUIRK's actions as a BULLY are extreme and outrageous, but are also part of a discernable pattern that was used on the Plaintiff, PULIZOTTO.

60. QUIRK's behavior towards New York City employees, insofar as CITY ICE SPORTS, INC. is a New York City contractor, should be investigated.

61. All civil servants have a right not to be berated and bullied by QUIRK while they are trying to do their jobs.

**Background on QUIRK's motivations to intentionally and maliciously harm PULIZOTTO.**

62. QUIRK is a well-known political player having run several campaigns for former Brooklyn District Attorney Charles Hynes.

63. QUIRK's political roots are deep in Staten Island and Brooklyn.

64. QUIRK has a strong political connection with the Honorable Judith N. McMahon, J.S.C. ("JUDY MCMAHON") and her husband the Honorable Michael E. McMahon, Richmond County District Attorney ("MIKE MCMAHON").

65. QUIRK's actions against PULIZOTTO on and after September 5, 2017, were done based on knowledge conveyed to QUIRK from JUDY MCMAHON and /or MIKE MCMAHON, and also through Richmond County Supreme Court Officer Major Steven Panella ("MAJOR PANELLA").

66. MAJOR PANELLA is romantically involved with sitting New York City Civil Court Judge Susan Quirk, who is QUIRK's daughter.

67. MAJOR PANELLA was given great power and leeway with JUDY MCMAHON based on MAJOR PANELLA's relationship with QUIRK.

68. On July 31, 2017, JUDY MCMAHON received a call from the Office of Inspector General (IG) of the Office of Court Administration (OCA). JUDY MCMAHON was summoned to a meeting with Sherryl Spatz, the IG, to answer charges of interfering and manipulating the Grand Jury, Part N, and the criminal term in Richmond County.

69. JUDY MCMAHON did not know that PULIZOTTO had reported her and had been documenting her activities until JUDY MCMAHON appeared at the IG's office with counsel on the morning of Monday, August 7, 2017, and was presented with the charges and some of the evidence against her that had been documented and compiled by PULIZOTTO in coordination with the Authorities.

70. After the July 31, 2017, phone call from the IG and up to the time of her appearance at the IG's office on August 7, 2017, JUDY MCMAHON actively engaged PULIZOTTO to try to find the person or persons who made the complaint against her.

71. After the July 31, 2017, phone call from the IG and up to the time of her appearance at the IG's office on August 7, 2017, JUDY MCMAHON actively engaged PULIZOTTO to try to find the person or persons who made the complaint against her, and PULIZOTTO believes that the search for the complainant's identity was done solely so that JUDY MCMAHON could attempt silence her accusers.

72. QUIRK is personally and politically invested in the success of JUDY MCMAHON.

73. QUIRK is personally and politically invested in the success of MIKE MCMAHON.

74. QUIRK is personally invested in the success of MAJOR PANELLA

75. If JUDY MCMAHON were to be embroiled in a scandal, it would hurt MIKE MCMAHON personally and politically, and consequently QUIRK.

76. If MAJOR PANELLA were to be embroiled in a scandal, it would hurt QUIRK personally.

77. PULIZOTTO's last "normal" contact with JUDY MCMAHON was on Friday, August 4, 2017, at around 4:30/5:00 p.m., a cellphone to cellphone call. JUDY MCMAHON asked again about Mr. Cunha being the suspect. PULIZOTTO had just left the wake for Mr. Cunha's deceased wife.

78. Even though JUDY MCMAHON said she was possibly going on vacation the following week, JUDY MCMAHON said that she would probably see PULIZOTTO on Monday, August 7, 2017, in the afternoon when JUDY MCMAHON was done with the IG.

79. PULIZOTTO never heard from JUDY MCMAHON directly that week, the week of August 7, 2017. Instead, JUDY MCMAHON called Linda Navallo (her assistant)

and told Navallo to tell PULIZOTTO that JUDY MCMAHON would be available by phone if PULIZOTTO wanted to call JUDY MCMAHON.

80. JUDY MCMAHON returned to work on Monday, August 21, 2017. Every interaction with JUDY MCMAHON from this point forward was always with John Tenaglia and / or always with JUDY MCMAHON's law clerk Kevin Dowling present. One meeting was with JUDY MCMAHON, John Tenaglia, Kevin Dowling, and Justice Stephen Rooney as PULIZOTTO was preparing to attend a citywide Chief Clerk budget meeting on Tuesday, August 29, 2017, where PULIZOTTO made a presentation on behalf of the Richmond County Supreme Court. Forbes Irvine was also present at the citywide budget meeting and remarked that PULIZOTTO made an excellent presentation.

81. PULIZOTTO's job as Chief Clerk was truly his dream job. However, throughout his tenure as Chief Clerk, PULIZOTTO was subjected to gender and sexual orientation-based discrimination, including (but, not limited to) baseless and vile *sub rosa* accusations that PULIZOTTO had engaged in intimate relations with a male subordinate, that PULIZOTTO attempted to have intimate relations with the entire male locker room, that PULIZOTTO was publicly mocked at a restaurant by JUDY MCMAHON with an exaggerated, effeminate voice and stereotypical gay hand gestures regarding PULIZOTTO's Peace Officer training, as well as being constantly used as an "errand boy" to perform various secretarial (and other lower, out-of-title tasks) including being directed to fetch coffee for JUDY MCMAHON on multiple occasions when her secretary was out and to type various addenda to JUDY MCMAHON's application for appointment to the Appellate Division.

82. QUIRK was aware of and encouraged the patently abusive manner in which PULIZOTTO was treated, particularly after QUIRK gained the knowledge that PULIZOTTO was cooperating with the Office of the OCA IG.

83. During the week of August 29, 2017, QUIRK started calling court officers assigned to the Richmond County Supreme Court Operations and MAJOR PANELLA, his inside man. QUIRK was screaming that PULIZOTTO was allegedly having court officers escort PULIZOTTO everywhere around the Richmond County Courthouse.

84. Upon information and belief, it was by that point – the week of August 29, 2017 - that JUDY MCMAHON, MIKE MCMAHON, or MAJOR PANELLA told QUIRK that PULIZOTTO had been cooperating with the OCA IG's office.

85. It was during the week of August 29, 2017, that QUIRK started to cause trouble for PULIZOTTO but did not yet have a strong plan in place. QUIRK made phone calls to the Chief of the Department of Public Safety for the Unified Court System, Michael Magliano, as well as to court officers assigned to the Richmond County Supreme Court Operations and MAJOR PANELLA complaining about PULIZOTTO.

86. On Wednesday, August 30, 2017, PULIZOTTO spoke with the Chief of the Department of Public Safety for the Unified Court System, Michael Magliano, who told PULIZOTTO that Magliano had received complaints about PULIZOTTO from QUIRK and that (1) Magliano did not believe QUIRK's allegations, (2) if Magliano did believe QUIRK, Magliano would have immediately called PULIZOTTO himself if Magliano thought he needed to speak with PULIZOTTO and (3) even if QUIRK's allegations were true, that PULIZOTTO "could run the courthouse as [he] sees fit."

87. As such, PULIZOTTO seeks to subpoena the phone, email and other communications records of MIKE MCMAHON, JUDY MCMAHON, and MAJOR



PANELLA from the period beginning on July 31, 2017 through September 15, 2017, to see exactly when and how the confidential information about the OCA IG's investigation was leaked to QUIRK and whether there is any concerted action on the part of MIKE MCMAHON, JUDY MCMAHON, and/or MAJOR PANELLA.

88. On or about September 7, 2017, JUDY MCMAHON (who was still the Administrative Justice for Richmond County) called an emergency judges' meeting where, upon information and belief, JUDY MCMAHON said that PULIZOTTO had "thousands of hours of recordings," that PULIZOTTO "would bother [JUDY MCMAHON] in chambers six or seven times a day."

89. In reality, JUDY MCMAHON would summon PULIZOTTO to chambers at least six or seven times per day.

90. At the emergency judges meeting, JUDY MCMAHON took a vote of "no confidence" to force PULIZOTTO out as Chief Clerk and protect her own interests as she was now aware of the investigation by the Authorities.

91. The entire emergency judges meeting was precipitated by QUIRK's actions and statements, and the presence of the Giant Rat on THE DAY OF THE RAT.

#### **Background on the McMahon Courthouse Scandal**

92. JUDY MCMAHON is married to MIKE MCMAHON.

93. In late May, 2015, when MIKE MCMAHON was nominated by the local Democratic Party, JUDY MCMAHON sought an Administrative Order bifurcating the administration of the Civil and Criminal terms in Richmond County whereby JUDY MCMAHON was to handle only Civil Matters and the Honorable Stephen Rooney, J.S.C., was to serve as Administrative Justice for Criminal Matters (the "Administrative Order"). See EXHIBIT "F", available at:

[http://www.silive.com/news/2015/05/judge\\_judy\\_mcmahons\\_role\\_tweak.html](http://www.silive.com/news/2015/05/judge_judy_mcmahons_role_tweak.html)

94. In theory, the decision to ask for the Administrative Order was the right call as it is outright horrifying to think that criminal justice anywhere in our state can be dispensed in a single bedroom, where the decisions of who to prosecute and the manner in which the prosecution is to proceed, be assigned, be heard, and justice meted out could all proceed unchecked and left to the whims of a political “power couple”. However, problems soon ensued in the Richmond County courthouse.

95. On a parallel track with the timing of the Administrative Order was the elevation of PULIZOTTO to the position of Chief Clerk of the Richmond County court in July, 2015. PULIZOTTO had been *de facto* in that role for several months before the title became official.

96. On several occasions, QUIRK claimed credit for PULIZOTTO’s elevation to his new position stating: “No one gets a job in that courthouse without my approval.”

97. OCA provides no “manual” for how to be a Chief Clerk, and PULIZOTTO, as a dedicated attorney and civil servant, endeavored to do his new job and do it well.

98. However, PULIZOTTO believes that JUDY MCMAHON and QUIRK selected PULIZOTTO for the position because they believed that they could control PULIZOTTO, who JUDY MCMAHON and QUIRK believed would not be able to act independently.

99. PULIZOTTO’s prior experience was as the court attorney for the late Justice Robert Colini, J.S.C.

100. In his new role, PULIZOTTO was encouraged to speak to officials at OCA to discuss potential matter in hypothetical terms and “bounce ideas” to improve the

system and the administration of justice. In reality, there was a dispute about certain court personnel and a potential EEOC claim. OCA agreed with PULIZOTTO approach.

101. However, the JUDY MCMAHON got wind of the fact that PULIZOTTO was seeking advice “off-island” and was directed to handle the matter in a way that she did not approve. JUDY MCMAHON felt very strongly about the issue and went to so far as to call one of the female persons involved a “ditz”.

102. On July 16, 2015, JUDY MCMAHON summoned PULIZOTTO to her chambers and began yelling, screaming, and shrieking in a shrill voice: **“We don’t send things out of county!”**

103. JUDY MCMAHON told PULIZOTTO that if PULIZOTTO ever “betrayed” JUDY MCMAHON like that again, they would not be able to work together. From this point forward, PULIZOTTO labored under a retaliatory work environment created by MCMAHON and QUIRK.

104. PULIZOTTO had real reason to seek guidance from OCA because from jump, JUDY MCMAHON was violating the Administrative Order. JUDY MCMAHON was injecting herself into “the criminal lane” (as remarked by Justice Rooney).

105. As both an attorney and a civil servant, PULIZOTTO had and has an obligation to report wrongdoing.

106. At some point shortly after the July 16, 2015, exchange between PULIZOTTO and JUDY MCMAHON, PULIZOTTO approached OCA for guidance. The outgrowth of the exchange with OCA was that PULIZOTTO would be documenting his interactions and communications going forward by several means including contemporaneous written notes and the use of PULIZOTTO’s cell phone and other

specialized recording devices for documentation purposes as to all relevant conversations to which he was a party.

107. PULIZOTTO began documenting conversations and interactions on or about July, 2015, and continued the practice up until September, 2017, when he was ultimately transferred from the Richmond County courthouse to OCA's Beaver Street offices in Manhattan.<sup>1</sup>

108. PULIZOTTO developed a large mass of recorded documentation of JUDY MCMAHON "crossing the line" and dealing with the administration of the Criminal Term in Richmond County to the detriment of criminal defendants and the administration of justice, including but not limited to the following:

A. On August 5, 2015, JUDY MCMAHON approved overtime for wiretaps. Justice Rooney was not consulted or involved.

B. On August 17, 2015, JUDY MCMAHON was micromanaging the Eric Garner Grand Jury decision and related release of information.

C. On August 26, 2015, at 12:05p.m., JUDY MCMAHON decreed that all requests to approve overtime for criminal judges must go through her. Justice Rooney was not consulted or involved.

D. On Jan 7, 2016, on the Ramsey Orta case (the man who filmed the Eric Garner incident) JUDY MCMAHON handled the decision whether to allow video. Justice Rooney was not consulted or involved. At this point, MIKE MCMAHON had been sworn in as Richmond County District Attorney.

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<sup>1</sup> As a result of the Defendant, QUIRK's intentional and malicious actions on THE DAY OF THE RAT and at other times relative to this complaint, the Plaintiff, PULIZOTTO, has been removed from his "dream-job" as the Chief Clerk of the Richmond County Courts, and now functions as little more than a paper-pusher in an OCA "rubber room".

E. On January 13, 2016, ADA Curiale (from MIKE MCMAHON's District Attorney's Office) and Justin Barry (Court Personnel) made a request to keep building open late. JUDY MCMAHON denied the request. Justice Rooney was not consulted or involved.

F. On January 14, 2016, Justice Rooney was asked about the Curiale/Barry request to keep the ADA's office in the court building open late and Justice Rooney said he had nothing to do with it. MIKE MCMAHON is the District Attorney at this point.

G. On January 21, 2016, JUDY MCMAHON directs the closure of criminal term clerk during lunch to avoid overtime. JUDY MCMAHON did not consult with Justice Rooney.

H. On April 19, 2016, a shrill and shrieking JUDY MCMAHON directs that no more "complex" criminal cases go to Justice Mattei or Justice Ozzi because the District Attorney's Office has complained that Justice Mattei and Justice Ozzi are too "defense oriented". MIKE MCMAHON is the District Attorney at this point.

I. On April 26, 2016, JUDY MCMAHON directed PULIZOTTO not to forward a FOIL request concerning the 2015 election for District Attorney that should have gone to the County Clerk's Office but was mistakenly delivered to the Clerk of the Court. PULIZOTTO, following the law, forwarded the request to the County Clerk. MIKE MCMAHON is the District Attorney at this point and was the candidate in the 2015 District Attorney election.

J. On May 12, 2016, Justice Rooney and Justice Ozzi decide upon a program and format for the Veteran's Court in Richmond County. Minutes later JUDY MCMAHON says "NO, NO, NO" and tells PULIZOTTO to make it known that

Justice Ozzi will not sit on Veteran's Court in "her building". MIKE MCMAHON is the District Attorney at this point, and MIKE MCMAHON made a campaign promise to establish a Veteran's Court in Richmond County.

K. On May 23, 2016, JUDY MCMAHON ordered that Justice Ozzi should not be assigned a cell phone warrant and instructed PULIZOTTO to go "pull" the application, but Judge Ozzi had already signed it. Justice Rooney was not consulted. MIKE MCMAHON is the District Attorney at this point.

L. On June 16, 2016, JUDY MCMAHON directed PULIZOTTO to influence Justice Mattei to declare the jury in a criminal case deadlocked so that a mistrial could be declared and the District Attorney's Office could re-try, because the vote was a 10-2 to acquit. Thankfully for the interests of justice, the jury had come back with a verdict that acquitted the defendant before PULIZOTTO took any action. MIKE MCMAHON is the District Attorney at this point.

M. On July 21, 2016, JUDY MCMAHON discussed setting up Veteran's Court and involving Justice Mattei. Justice Rooney was not consulted.

N. On July 29, 2016, JUDY MCMAHON injects herself into the issue of Justice Ozzi asking for ADAs to get index numbers for Grand Jury matters. Justice Rooney was not consulted. MIKE MCMAHON is the District Attorney at this point.

O. On August 22, 2016, JUDY MCMAHON shrieks that Justice Mattei should be sent to "lower criminal court" because of the complaints from the District Attorney's Office about his "anti-prosecutorial side". MIKE MCMAHON is the District Attorney at this point. Justice Mattei, prior to taking the bench, was a career prosecutor for the legendary Bill Murphy as well as for Dan Donovan's district attorney's offices.

P. On August 29-30, 2016, JUDY MCMAHON directed Grand Jury staffing. JUDY MCMAHON continued her demands that Justice Mattei be sent back to “lower criminal court”. Justice Rooney was not consulted. MIKE MCMAHON is the District Attorney at this point.

Q. On September 27, 2016, JUDY MCMAHON speaks with MIKE MCMAHON on speaker phone from chambers about Grand Jury matters. Neither Justice Rooney nor any other criminal term judge was present. MIKE MCMAHON is the District Attorney at this point.

R. On October 21, 2016, Justice Troia (Part N) complained to JUDY MCMAHON about all search warrants being assigned to him and not to the judge where indictment was pending. Justice Rooney was not consulted. MIKE MCMAHON is the District Attorney at this point.

S. On October 25, 2016, JUDY MCMAHON was complaining on how many venire persons Justice Ozzi and Justice Mattei were using. MIKE MCMAHON is the District Attorney at this point.

T. On Jan 18, 2017, JUDY MCMAHON makes all the decisions on criminal Part N staffing issues. Judge Rooney states that JUDY MCMAHON is too involved – “someone is going to drop a dime”. MIKE MCMAHON is the District Attorney at this point.

109. The facts here are very intricate and the foregoing is just a snapshot, but needless to say, JUDY MCMAHON attempted to and succeeded in using Part N and Justice Troia (who sits on both the civil and criminal terms) to steer search warrants and decisions away from Justice Mattei and Justice Ozzi, whom she and the District Attorney’s Office had termed as too “defense oriented”.

110. On numerous occasions, JUDY MCMAHON violated the Administrative Order.

111. On numerous occasions, JUDY MCMAHON violated the Administrative Order while her husband MIKE MCMAHON was the District Attorney.

112. On numerous occasions, JUDY MCMAHON violated the Administrative Order while her husband MIKE MCMAHON was the District Attorney, to the detriment of criminal defendants.

113. On numerous occasions, JUDY MCMAHON violated the Administrative Order while her husband MIKE MCMAHON was the District Attorney, to the detriment of the administration of justice in Richmond County.

114. QUIRK, realizing the seriousness of JUDY MCMAHON's action and the potential for harm, undertook his actions as against PULIZOTTO, particularly on September 5, 2017 and September 7, 2017, to protect his own personal and political investments in JUDY MCMAHON, MIKE MCMAHON, and MAJOR PANELLA.

115. QUIRK, realizing the seriousness of JUDY MCMAHON's action and the potential for harm, undertook his actions as against PULIZOTTO, particularly on September 5, 2017 and September 7, 2017, to protect his own personal and political investments in JUDY MCMAHON, MIKE MCMAHON, and MAJOR PANELLA, and did so malicious with intent to injure PULIZOTTO, to suppress and obstruct the proper administration of justice, and to antagonize and tamper with potential witnesses and evidence.



**QUIRK has his lawyers send a baseless and false letter to PULIZOTTO in order to further bully PULIZOTTO, and further revealing QUIRK's malicious *modus operandi*.**

116. The Defendant, QUIRK, had his lawyers send PULIZOTTO a letter dated September 15, 2017. See EXHIBIT "G".

117. The Defendant, QUIRK, also had his lawyers send the letter dated September 15, 2017 to the local paper. See EXHIBIT "C".

118. Incidentally, the law firm of Baron Associates, P.C., is the law firm for the New York State Court Officer's Association.

119. QUIRK is effectively "picking the pockets" of the members of the New York State Court Officer's Association by using union monies to pay for items that he should over personally.

120. The Defendant, QUIRK, has misrepresented that the Plaintiff, PULIZOTTO, rendered legal services to the Defendant, QUIRK.

121. Outside of the performance of notary services – which are by definition not legal services - the Plaintiff, PULIZOTTO, performed no services for the Defendant, QUIRK, which could be construed as legal services.

122. At no time relevant to this action did the Plaintiff, PULIZOTTO, make any statements or perform any actions that would lead the Defendant, QUIRK, to believe that an attorney-client relationship had formed.

123. Nonetheless, Quirk misrepresents the facts in his September 15, 2017, letter, to wit:

As you are aware, you long ago established an attorney-client relationship with Quirk years ago, giving him legal advice on various legal matters, performing legal research for him, and otherwise acting in his capacity as counsel. In fact, we understand that your advisement of our Client has continued to present date.

124. No attorney-client relationship exists between PULIZOTTO and QUIRK, nor has any relationship ever existed.

125. Quirk further misrepresents the facts in his September 15, 2017, letter and adds on top of that baseless and bullying threats towards PULIZOTTO and his law license, to wit:

Because the conversations that you had with our Client were made within the scope of the attorney-client relationship, they are absolutely forbidden from disclosure absent circumstances inapplicable to any lawsuit you are intending to or might bring against either the Court or Quirk. Indeed, if any of them are revealed in any manner and for any purpose not authorized by the law or Quirk, our Client will take appropriate action against you, including but not limited to reporting you to the Bar, complaining about you to the grievance committee, commencing an action against you, and any other relief to which he is entitled. Furthermore, if the recordings and any memorializations thereof are not turned over or destroyed, Quirk will take any available avenues to ensure that you are censured or held otherwise legally responsible.

126. The foregoing paragraph is false and misguided on any number of levels.

127. QUIRK's learned counsel knows that the attorney-client privilege has been codified in the state of New York under CPLR § 4503, which states in pertinent part:

(a) 1. Confidential communication privileged. Unless the client waives the privilege, an attorney or his or her employee, or any person who obtains without the knowledge of the client evidence of a confidential communication made between the attorney or his or her employee and the client in the course of professional employment, shall not disclose, or be allowed to disclose such communication, nor shall the client be compelled to disclose such communication, in any action, disciplinary trial or hearing, or administrative action, proceeding or hearing conducted by or on behalf of any state, municipal or local governmental agency or by the legislature or any committee or body thereof. Evidence of any such communication obtained by any such person, and evidence resulting therefrom, shall not be disclosed by any state, municipal or local governmental agency or by the legislature or any committee or body thereof. The relationship of an

attorney and client shall exist between a professional service corporation organized under article fifteen of the business corporation law to practice as an attorney and counselor-at-law and the clients to whom it renders legal services. [emphasis added]

128. The first five words of the section “Unless the client waives the privilege” are all that are applicable here. All applicable communications by QUIRK referenced herein have been effectively waived because to the presence of third parties. There is no greater “public square” in Richmond County than the one that abuts the Richmond County Courthouse – and that is where the bulk of the actionable statements and actions by QUIRK complained of herein took place.

129. QUIRK’s threats to file a grievance as against PULIZOTTO are empty threats, and only seek to show QUIRK for the bully that he is.

130. QUIRK cannot establish an attorney-client relationship, which is a necessary element for his standing to lodge a grievance.

131. QUIRK and PULIZOTTO are now engaged in this pending litigation, which would stay any potential grievance that could be lodged.

132. Even more sickening is that QUIRK would demand the destruction of evidence while the Authorities are still investigating.

133. And these same sentiments that smack of the virtues of the destruction of evidence were echoed by the leadership of the local bar association, who have proven themselves to be JUDY MCMAHON and MIKE MCMAHON loyalists in the face of the facts. See EXHIBIT “H”, which states in pertinent part:

[W]e are greatly disturbed by the report of surreptitious recording of conversations having been being made in the Courthouse. As attorneys, we understand that without the ability to speak freely we would be unable to advocate for our clients. The Courthouse should be a place where attorneys, court staff and the Judiciary are able to frankly discuss what

may be sensitive matters without the fear of having conversations repeated, perhaps out of context.

134. To be fair, the local bar association had no knowledge as to PULIZOTTO's cooperation with the Authorities. But NYSBA Ethics Opinion 1120 is clear and unambiguous about a government lawyer's obligations to ensure the proper administration of justice, creature comforts for trial lawyers and judges aside.

**QUIRK intentionally and maliciously caused PULIZOTTO great harm in his employment.**

135. As a result of the Defendant, QUIRK's intentional and malicious actions on THE DAY OF THE RAT and at other times relative to this complaint, the Plaintiff, PULIZOTTO, has been removed from his "dream-job" as the Chief Clerk of the Richmond County Courts, and now functions in a much diminished role in a position of lesser stature.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

**(SLANDER)**

136. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

137. Pursuant to § 3016(a), Plaintiff, PULIZOTTO, has specifically plead in the above paragraphs the actionable statements made by the Defendant, QUIRK.

138. As specifically plead above, the Defendant, QUIRK, made said oral statements of fact.

139. As specifically plead above, said oral statements of fact made by the Defendant, QUIRK, are false.

140. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, were made to third parties without authorization or privilege.

141. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused special damages to the Plaintiff, PULIZOTTO.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

**(SLANDER PER SE)**

142. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

143. Pursuant to § 3016(a), Plaintiff, PULIZOTTO, has specifically plead in the above paragraphs the actionable statements made by the Defendant, QUIRK.

144. As specifically plead above, the Defendant, QUIRK, made said oral statements of fact.

145. As specifically plead above, said oral statements of fact made by the Defendant, QUIRK, are false.

146. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, were made to third parties without authorization or privilege.

147. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused special damages to the Plaintiff, PULIZOTTO.

148. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused harm to the Plaintiff,

PULIZOTTO, falling under a Per Se category, to wit: statements charging PULIZOTTO with a serious crime.

149. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused harm to the Plaintiff, PULIZOTTO, falling under a Per Se category, to wit: statements that tend to injure PULIZOTTO in his trade, business, or profession.

150. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused harm to the Plaintiff, PULIZOTTO, falling under a Per Se category, to wit: statements that claim PULIZOTTO has a loathsome disease.

151. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and constitute and caused harm to the Plaintiff, PULIZOTTO, falling under a Per Se category, to wit: statements that claim PULIZOTTO is unchaste and/or sexually deviant.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF PLAINTIFF**  
**(INJURIOUS FALSEHOOD)**

152. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

153. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

154. Pursuant to § 3016(a), Plaintiff, PULIZOTTO, has specifically plead in the above paragraphs the actionable statements made by the Defendant, QUIRK.

155. As specifically plead above, the Defendant, QUIRK, made said oral statements of fact.

156. As specifically plead above, said oral statements of fact made by the Defendant, QUIRK, are false.

157. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, were made to third parties without authorization or privilege.

158. As specifically plead above, said false, oral statements of fact made by the Defendant, QUIRK, to third parties without authorization or privilege were harmful and defamatory to the Plaintiff, PULIZOTTO, and caused harm to the Plaintiff, PULIZOTTO.

159. As specifically plead above, the Defendant, QUIRK, acted maliciously.

160. As specifically plead above, the Defendant, QUIRK, made false statements about the Plaintiff, PULIZOTTO.

161. As specifically plead above, the Defendant, QUIRK, made false statements about the Plaintiff, PULIZOTTO with the intent to harm the Plaintiff, PULZOTTO and to advance the Defendant, QUIRK's own personal and political interests.

162. As specifically plead above, the Defendant, QUIRK, made false statements about the Plaintiff, PULIZOTTO recklessly and without regard to their consequences, and to advance the Defendant, QUIRK's own personal and political interests.

163. As specifically plead above, the Defendant, QUIRK, made false statements about the Plaintiff, PULIZOTTO, and a reasonably prudent person would have or should have anticipated that damage to the Plaintiff, PULIZOTTO, would result.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF****(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

164. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

165. As specifically plead above, the Defendant, QUIRK, engaged in extreme and outrageous conduct.

166. As specifically plead above, the Defendant, QUIRK's extreme and outrageous conduct was malicious and intentional and aimed to cause the Plaintiff, PULIZOTTO, severe emotional distress.

167. As specifically plead above, there is a causal connection between the extreme and outrageous conduct of the Defendant, QUIRK, and the injuries sustained by the Plaintiff, PULIZOTTO.

168. As a result of the extreme and outrageous conduct of the Defendant, QUIRK, the Plaintiff, PULIZOTTO has suffered severe emotional distress.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF****(TORTIOUS INTERFERENCE WITH EMPLOYMENT)**

169. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

170. As specifically plead above, the Plaintiff, PULIZOTTO, was employed in his "dream job" as the Chief Clerk of the Richmond County Courts.

171. As specifically plead above, the Defendant, QUIRK, knew of the Plaintiff PULIZOTTO's employment and intentionally interfered with it.



172. As specifically plead above, the Defendant, QUIRK, knew of the Plaintiff, PULIZOTTO's employment and intentionally interfered with it in order to advance the Defendant, QUIRK's own personal and political interests.

173. As specifically plead above, the Defendant, QUIRK, acted solely out of malice in order to advance the Defendant, QUIRK's own personal and political interests.

174. As specifically plead above, the Defendant, QUIRK, used improper or illegal means that amounted to a crime or independent tort in order to advance the Defendant, QUIRK's own personal and political interests.

175. As specifically plead above, the Defendant, QUIRK's interference caused injury to the Plaintiff, PULIZOTTO's employment, to wit: The Plaintiff, PULIZOTTO, has been removed from his "dream-job" as the Chief Clerk of the Richmond County Courts, and now functions as little more than a paper-pusher in an OCA "rubber room".

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

**(PRIMA FACIE TORT)**

176. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

177. As specifically plead above, the Defendant, QUIRK, engaged in extreme and outrageous conduct and the intentional infliction of harm which resulted in special damages to the Plaintiff, PULIZOTTO.

178. The Defendant, QUIRK's infliction of harm is without any excuse or justification.

179. The Defendant QUIRK's acts or series of acts committed would otherwise be lawful.

180. Malevolence is the sole motive for Defendant, QUIRK's otherwise lawful act.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

**(DECLARATORY JUDGMENT)**

181. Plaintiff, PULIZOTTO, repeats, realleges, and restates all paragraphs above as if fully set forth herein and further states as follows.

182. As specifically plead above, a bona fide, justiciable, and substantial controversy exists as between the Defendant, QUIRK, and the Plaintiff, PULZOTTO.

183. The Defendant, QUIRK, and the Plaintiff, PULZOTTO have adverse legal interests.

184. A judgment would serve a useful purpose in clarifying or settling the legal issues as between the Defendant, QUIRK, and the Plaintiff, PULZOTTO.

185. There is a clear and ascertainable standard for the Court to rule on this issue, to wit: Merriam Webster Dictionary defines "BULLY" as a blustering, browbeating person; especially: one who is habitually cruel, insulting, or threatening to others who are weaker, smaller, or in some way vulnerable.

186. A judgment would finalize the controversy and offer relief from uncertainty as to whether the Defendant, DENNIS W. QUIRK is a "BULLY".

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff, MICHAEL J. PULIZOTTO, respectfully prays for relief against the Defendant, DENNIS W. QUIRK, personally and individually, as follows:

- A. nominal damages as against DENNIS W. QUIRK, personally and individually;
- B. compensatory damages in an amount to be determined at trial from DENNIS W. QUIRK, personally and individually;
- C. compensatory damage in the amount of no less than \$5 million, for injury resulting from loss of current and prospective income, emotional distress, loss of reputation from DENNIS W. QUIRK, personally and individually;
- D. special damages in the amount of no less than \$5 million, from DENNIS W. QUIRK, personally and individually;
- E. punitive damages in an amount of no less than \$15 million, for the wanton, malicious, and intentional nature of DENNIS W. QUIRK's conduct, to deter him from further such conduct;
- F. interest, costs, and reasonable attorneys' fees incurred by MICHAEL J. PULIZOTTO in the prosecution of this action from DENNIS W. QUIRK, personally and individually;
- G. a declaration that: "DENNIS W. QUIRK IS A BULLY."; and
- H. any other such further relief as the court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury for all issues so triable in this action.

DATED: Staten Island, New York  
October 15, 2017

Respectfully submitted,

THE LUTHMANN LAW FIRM, PLLC

A handwritten signature in black ink that reads "Richard A. Luthmann". The signature is written in a cursive, flowing style.

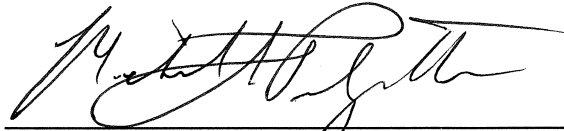
By: \_\_\_\_\_  
Richard A. Luthmann

1811 Victory Boulevard  
Staten Island, NY 10314  
Tel: (718) 447-0003  
Fax: (347) 252-0254  
[ruthmann@luthmannfirm.com](mailto:ruthmann@luthmannfirm.com)  
Attorneys for Michael J. Pulizotto

VERIFICATION

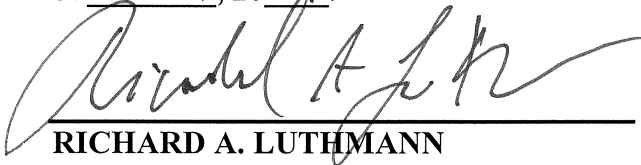
State of New York, County of Richmond ss.:

MICHAEL J. PULIZOTTO, being duly sworn, deposes and says: I am the Plaintiff in this action, I have read the foregoing pleadings to be submitted to the Court and know the contents to be true to my own knowledge, except for those matters alleged to be on information and belief, and as to those matters, I believe them to be true.



MICHAEL J. PULIZOTTO

Sworn to before me this 15<sup>th</sup> day  
of October, 2017.

  
RICHARD A. LUTHMANN

RICHARD A. LUTHMANN  
NOTARY PUBLIC  
STATE OF NEW YORK  
REG. NO: 02LU6235872  
COMM. EXP: FEB: 16: 2019