

**EXHIBIT “A”**

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

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VANESSA DENNIS, :

Plaintiff, : Index no. 153857/2014

– against – :

MARIE NAPOLI, née MARIE KAISER, :  
PAUL J. NAPOLI, :  
MARC J. BERN, :  
NAPOLI BERN RIPKA SHKOLNIK, LLP, and :  
JOHN DOES 1–5, :

Defendants. :

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**COMPLAINT**

Plaintiff Vanessa Dennis, by her counsel, the Law Offices of Clifford James, and Daly & Black, P.C. and Reynolds Frizzell LLP, for her complaint, alleges as follows:

**Nature of the Case**

1. Defendant Marie Napoli (Marie) has continually harassed, threatened, and defamed Plaintiff Vanessa Dennis (Vanessa) for over 15 months. Marie has falsely and publicly accused Vanessa of—among other things—having affairs with several married men and causing her former employer’s divorce, and she has falsely broadcasted that Vanessa is a sexual predator and mentally ill. Marie has conducted this onslaught via text message, e-mail, post, and social media. She has repeatedly bombarded Vanessa’s family, Vanessa’s husband and his family, Vanessa’s employers (both past and present), potential future employers, professional colleagues, and Vanessa’s friends and acquaintances—and she continues to do so *to this day*. Vanessa’s recent move from

New York to Texas did nothing to deter Marie's attacks, which then escalated to sending a defamatory letter to the wives of the partners of Vanessa's Texas employer, and having Vanessa placed under surveillance, and claiming responsibility for a break-in at Vanessa's apartment.

2. Incredibly, Marie has even continued these vicious attacks while this suit is pending. Vanessa commenced this suit by summons with notice, filed on April 22, 2014. Marie was served with process, at her residence, on May 29, 2014. *Yet even after she was served with process, on June 29 and July 1, 2014 Marie published on Facebook posts containing substantially the same vicious, defamatory and damaging statements about Vanessa as the letter to the wives of the partners of Vanessa's Texas employer.*

3. Marie set out on this campaign to terrorize Vanessa and destroy her reputation and career after Marie discovered that Marie's husband, prominent New York personal injury lawyer, Paul J. Napoli (Paul), had instigated an affair with Vanessa. Just as he had done several years earlier, Paul took advantage of his position of authority and preyed on a young female associate working at his firm, Napoli Bern Ripka Shkolnik, LLP (Napoli Bern). And once again, Marie found out that Paul cheated. But in spite of the fact that Paul has previously cheated on Marie numerous times, and that Marie has always been well-aware of her husband's philandering, Marie waged a personal war on Vanessa, and Marie has demonstrated that absent legal intervention she will stop at nothing to inflict as much damage on Vanessa's reputation, career, and well-being as possible.

4. Napoli Bern as a firm—and Paul Napoli and Marc J. Bern (Marc), both as individuals and as members of Napoli Bern—have aided, abetted, facilitated, and conspired with Marie's attacks on Vanessa in numerous ways, including, upon

information and belief, by giving Marie (who is not one of the firm's employees) unfettered access to Vanessa's personnel file and e-mail account. Marie has used private information she was given by Napoli Bern to target Vanessa's family, friends, employers, colleagues, and even total strangers, as part of Marie's prolonged campaign to injure Vanessa.

5. Paul and others at the firm are well aware of Marie's continued abuse, yet they remain complicit and responsible as firm resources are used to harass, intimidate, and harm Vanessa, Paul and named partner, Marc Bern, have sent Vanessa numerous e-mails, text messages, and voice mails, advising her not to respond to Marie's conduct and falsely assuring her that the harassment will not continue. But in reality, neither has ever had any intention of trying to curb the attacks, which have only escalated over time. Rather, just as with the last time Marie caught Paul cheating with a young firm employee, all efforts have been directed at protecting Paul—not Vanessa—from Marie's pathologically misguided wrath.

6. Vanessa has done everything in her power to try to de-escalate the situation and stop Marie's rampage without having to resort to legal recourse: she has taken responsibility for her actions; repeatedly and sincerely apologized to Marie in spite of the fact that Paul was the aggressor in the affair; relinquished her job in New York; and even left the City and moved to Houston, Texas. But Marie's attacks have only become more vicious, intimidating, and public—to the point that they have now become nationally published. Accordingly, Vanessa has been forced to seek the protection of this Court.

## Parties

7. Plaintiff Vanessa Dennis is a natural person who has lived and worked in Houston, Texas since November 2014. When many of the events that give rise to this suit occurred she was located in New York, New Jersey, and Wyoming.

8. Vanessa is a member of the Bar of Massachusetts and Rhode Island and is admitted to the U.S. District Court of Rhode Island. She is 33 years of age. She graduated from California Western School of Law in 2006 with a J.D. degree. Since 2007, her concentration has been representing plaintiffs harmed by exposure to asbestos. Since October 2013, she has been employed by Shrader & Associates, LLP (Shrader & Associates), a firm based in Houston, Texas that represents individuals harmed by exposure to asbestos.

9. Defendant Marie Napoli (née Kaiser) is a natural person who, upon information and belief, at all relevant times has resided at 1985 Cedar Swamp Road, Unit 4, Brookville, NY 11545.

10. At all relevant times, Marie has been a member of the Bar of New York State and, upon information and belief, of the federal district courts for the Southern and Eastern Districts of New York. Upon information and belief, at all relevant times, Marie Napoli and Paul Napoli have been married.

11. Defendant Paul J. Napoli is a natural person who, upon information and belief, at all relevant times has resided at 1985 Cedar Swamp Road, Unit 4, Brookville, NY 11545. At all relevant times Paul has been a named partner of Napoli Bern Ripka Shkolnik, LLP, and his principal office has been located at the New York City offices of Napoli Bern.

12. Defendant Marc J. Bern is a natural person who, upon information and belief, at all relevant times has resided at 944 Park Avenue, 14th Floor, New York, NY 10028. At all relevant times, Marc has been a named partner of Napoli Bern Ripka Shkolnik, LLP, and his principal office has been located at the New York City offices of Napoli Bern.

13. Napoli Bern Ripka Shkolnik, LLP, upon information and belief, at all relevant times has been a law firm that is a New York limited liability partnership with its principal offices at the Empire State Building, 350 Fifth Avenue, #7413, New York, NY 10118.

14. John Does 1–5, upon information and belief, at all relevant times have been natural persons and entities, presently unknown, who assisted defendant Marie Napoli, and potentially the other defendants, in defaming, harassing, intimidating, and injuring Vanessa, both by way of the use of electronic resources and social media, and otherwise.

### **Background**

#### ***A. Vanessa joins Napoli Bern and becomes yet another female employee to succumb to Paul Napoli's advances***

15. In February 2011, Vanessa began working as an attorney at Napoli Bern in New York City. During her tenure at Napoli Bern, she was principally responsible for increasing Napoli Bern's involvement in asbestos cases, a benefit that that firm maintains to this day.

16. In October 2011, Paul Napoli, one of Napoli Bern's founding partners and a prominent personal injury lawyer, took advantage of his position of power at the firm and began an affair with Vanessa. This affair continued for more than a year, during which time Paul actively pursued Vanessa; he even moved her office next to his to keep

an eye on her, As a new associate at the firm and a subordinate of Paul's, Vanessa was vulnerable to Paul's advances, as she admired and respected Paul and looked up to him as a figure of authority.

17. Over the course of the affair Vanessa, who is also married, struggled with the guilt of her infidelity. But as she later discovered, this type of behavior is typical for Paul, who has been involved in at least three other affairs in the past. Two of those affairs were with other subordinate employees at Napoli Bern. One of those affairs occurred several years ago with another female associate. It ended—just as the one here did—when Paul's wife discovered the affair and caused the associate's termination, which the firm procured through a severance payment. The other affair with an employee of Napoli Bern (about which Marie presumably does not know) was with a paralegal who has worked for the firm for many years and continues to be employed by Napoli Bern. [I count two affairs noted here, not three. What is correct?]

***B. Marie discovers Paul's affair, and Vanessa is ushered out of the firm***

18. In late April of 2013, Marie hired a private investigator to follow Paul and Vanessa on a business trip to Chicago and St. Louis. During this trip, on April 23, 2013, Marie sent an e-mail to Vanessa that read,

Hi Vanessa, this is Mrs. Napoli and I am very well aware of your affair with my husband. I have evidence that is going to be forwarded to your husband if you do not stay away from my husband.

19. In the early hours of the next morning, Marie sent several nasty e-mails to Vanessa's work e-mail account, calling Vanessa a "slut" and telling her that she was "fired." Paul told Vanessa later that day that he had confessed a small portion of the affair to his wife and that they were likely divorcing. Paul asked Vanessa to delete any

of her work e-mails evidencing their affair, informing Vanessa that Marie's brother, Fred Kaiser (who runs the firm's technology department) had called Paul to confront him about the situation.

20. At that time, Paul admitted that he had authorized Fred Kaiser to allow Marie access to both Vanessa's and Paul's work e-mail accounts.

21. Each of Vanessa and Paul took separate flights back to New York. That afternoon upon arrival, Vanessa discovered that her work e-mail and remote access to client files had been shut off, presumably at Marie's direction. Vanessa approached Marc, Paul's law partner, for help, and Marc reactivated Vanessa's accounts and assured her that he would deal with the problem.

22. Marc's efforts to control the situation (if any), however, were fruitless. In a final effort at damage control in light of Marie's rapidly escalating—and increasingly hostile—attacks, Paul and Marc began brokering Vanessa's departure from the firm. On May 2, 2013, Vanessa met with Marc and signed a "Letter Agreement" that terminated her employment at Napoli Bern. In an apparent attempt to satisfy Marie, several days later Marc sent a department-wide e-mail informing Vanessa's colleagues that she was leaving the firm effective immediately due to "personal issues." Paul e-mailed Vanessa that "I am sorry to put you through any of this."

***C. Marie wages her personal vendetta against Vanessa***

23. On April 24, 2013—the same day Marie began to berate Vanessa via e-mail—Marie mounted her first wave of attacks on Vanessa's social media connections. First, she sent a Facebook message to Vanessa's brother, Robert Dennis, informing him of the affair, (Marie apparently thought Robert was Vanessa's husband because they have the same last name.) Just a few days later, on April 28, 2013, Marie sent a Facebook



message to Vanessa's father-in-law, Richard P. Buonaiuto, mistakenly believing that *he* was Vanessa's husband.

24. Around the same time, Marie infiltrated the first of Vanessa's places of employment. Marie directed Gloria Werle, the HR director at Napoli Bern, to ask Vanessa for her maiden name. Paul later admitted that he asked Gloria to make this request on Marie's behalf because Marie wanted to find Vanessa's husband's contact information so she could harass him. After she was still unable to locate Vanessa's husband, upon information and belief, Marie was given access to Vanessa's personnel file at Napoli Bern, where Vanessa's husband was listed as her emergency contact. Vanessa's husband (Richard Buonaiuto (Richard)) soon received the first of many unsolicited and unwelcome text messages from Marie, which were later followed by her assault on his family and friends.

25. After Vanessa's departure from Napoli Bern, Marie escalated her attacks on Vanessa. On May 12, 2013, Vanessa received several e-mails from Marie (on which Paul was copied). The first confirmed that Marie had been given unfettered access to Napoli Bern resources, that she intended to use them to attack Vanessa, and that Paul was aware of that fact.

Hello Vanessa, I understand things are not going well for you. I am sorry to hear about all your misfortune. Albeit all self inflicted. Since Paul has come completely clean I have decided to forgive him for the indiscretion and and looking forward to an even stronger union. I am very well aware of what you did and were trying to do. ***But just so we are perfectly clear I have full access to all the work/office emails and contacts of yours, and be rest assured I am not afraid to use them.*** In addition if u ever come near or try to contact my husband in any way, even through a third party, I will follow you to any future employer and their wives like a

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<sup>1</sup> Marie's correspondence is littered with typographical and grammatical errors. The reproductions here are unedited, and most of these mistakes are not noted.

scarlet letter to affirm your professionalism. Wishing you the best, Mrs. Paul Napoli. :) (Emphasis supplied.)

26. Later that day, Marie sent another e-mail to Vanessa with the subject line "Happy Mother's Day!!" This was in apparent reference to the fact that Vanessa was told by her doctor that she might not be able to have children, a fact that Vanessa had previously shared with Paul: "PS. Happy Mothers Day! Oh, yea I should say motherless day. Tick tock." This irredeemably vicious message, sent directly to Vanessa, reinforces Marie's malicious intent to injure Vanessa by whatever means necessary, and consistent with this later Marie took other direct steps to injure Vanessa that caused Vanessa to fear for her safety.

27. On May 15, 2013, Vanessa received another e-mail from Marie (again, copying Paul). This e-mail stated that Marie had entered into an agreement with the firm that would prevent Vanessa from returning to work there:

Vanessa, Hopefully this is the last email I will ever have to send you but I found out that when you met with Marc for the second time, you were hoping to get your job back in the future if my marriage failed. I found out because I need to know everything about every contact you have had with the firm. I know about every inappropriate conversation and thought between you and my husband and how it was all initiated. Again, he has come completely clean. You seem to not understand just how connected Paul and I are and how much we love each other. We will never divorce. You must not understand this because you have never had such a relationship. You obviously have issues. But regardless, I was uncomfortable with this hope of yours and just so you can completely get this out of your head, at my request, the firm has entered into a legally binding contract with me never to hire you regardless of the state of my marriage with excessive damage clause that could put the firm out of business. Also, my husband and I have children we will raise together and we will always need to work together amicably, so regardless of my marriage status (which is very good and getting stronger every day), I will always be in the picture and you will not. In addition, Mrs. Bern, my best friend, knows every detail of what you did and would never allow you to work at the firm or near her husband. Needless to say she has the same opinion of you as I do. And finally, my husband has disdain for

you because of the unnecessary damage you have caused to him and the people he loves. You are unstable and immoral. You will never work for our firm in the future. You are fired and will remain fired for all eternity. You are grasping at straws. Paul will do anything in his power to make me happy. He would have sent this himself, but does not want to have any contact with you. EVER! I join him in this desire, so he is affirming this email by his silence. YOU ARE DONE!!!! Good Luck.

28. Shortly after Marie sent that e-mail, Vanessa received an e-mail from Paul's work account simply stating, "Affirmed." Paul later told Vanessa that he did not send the e-mail; rather, he continued to stand by while Marie abused the firm resources Paul had personally authorized her to use (in this instance, Paul's own Napoli Bern e-mail account) to attack Vanessa.

29. Not content with the collapse of Vanessa's career at Napoli Bern, Marie set about trying to ensure that Vanessa would be unable to obtain employment of any kind, anywhere, ever. On May 21, 2013, Vanessa's former employer, lawyer John Deaton, contacted Vanessa to tell her that both he and his ex-wife had received similar e-mails from Marie. The e-mail to John stated:

Hi John, You don't know me but we both know Vanessa Dennis. I understand she worked for you and until recently she worked for my husband. She was sexually perusing [*sic*; presumably, intended to be "pursuing"] my husband with vulgar improper sexual comments and ultimately tried to pull off his pants and do something completely inappropriate. My husband stopped her and has fired her. He thought she was a good lawyer and was uncomfortable with the comments but had hoped not to fire until this final act made it impossible for him to keep her in his employ. After the fact he told me everything. I hear that she has done this kind of thing before and has ruined many marriages. I was lucky that my husband turned her away and she did not ruin mine and wondering if you found a similar issue with her behavior. If you would be kind enough to let me know I would be very appreciative. Best, Marie Napoli

Marie added a postscript:

I want to know so I can warn any future employer's wives of this if it a recurring problem ....<sup>2</sup>

30. Mr. Deaton was taken aback by this unsolicited and false attack on Vanessa's character from a complete stranger. He replied to Marie with the following:

Marie, I am sorry that you are dealing with these issues. However, you assume because I am divorced that somehow that had to do with Vanessa. Also, my ex-wife informed me that you emailed her asking if in fact our divorce had anything to do with Vanessa. My ex-wife and I remain close friends as our divorce was amicable and there were no issues such as the one you suggest. It is very inappropriate to assume such things. First, I was already in the process of divorce before Vanessa started working for me. Second, Vanessa and I never had an inappropriate relationship. As far as I knew, she left my firm because she wanted to make more money and relocate to NY with her husband. I don't know what went down between Vanessa and your husband, nor do I care (although I realize that you understandably do). However, any comments by you or anyone else suggesting that Vanessa and I had some inappropriate relationship will be met with swift action by me. Bottom line Marie, I wish you well, but my name and family better not be brought up in any of this nonsense.

31. Upon learning of the e-mails to John Deaton and his ex-wife, Vanessa immediately called Marc and informed him of what Marie had done. Marc insisted that only Paul could convince Marie to stop the attacks, and that he might do so if Vanessa threatened to tell Marie the entire truth about the affair. Taking Marc's advice, Vanessa sent Paul the following e-mail at the generic personal account he created to hide his continued contact with Vanessa. Vanessa forwarded this message to Marc:

Tell [Marie] if she sends one more email we will all be in court in the very near future and I will get a restraining order and go after her for damages for harassment. Every email she has sent to everyone will be attached as exhibits. I'm done not responding to her and I'm done with

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<sup>2</sup> Marie did just that a few months later, and Marie even included there the accusation that Vanessa had committed adultery with Mr. Deaton, which Marie knew to be false (see ¶ 30).

this fucking charade that I attacked you and that you've never done this before. We both know neither of those things are the truth.

I have given you every opportunity to clean this up and I have shut my mouth and been a team player. I'm done. Loyalty is overrated especially when you've done nothing but throw me under the bus to make yourself look better. I have nothing to lose at this point since I no longer have a job, everyone and their mother knows your version of what happened, and my marriage is over. You obviously don't give a shit about anyone but yourself. It's time for me to start having the same attitude.

32. If Paul made any efforts to curb Marie on her warpath, they did not have the intended effect. On June 23, 2013, Marie again targeted Vanessa's husband, Richard, bombarding him by text message with unwelcome details about the affair that Paul had instigated with Vanessa:

Hi Rich, I just wanted you to know because I said I would let u know what i know. Your wife had sex twice with my husband. Once a few weeks before the blow job and once on the first day of the trip. I have heard all the details of the relationship. I hope you are doing well and recovering from this whole thing. Best, Marie Napoli

33. In fact, this text message plainly reveals Paul's studied dishonesty. Marie says she has heard "all the details of the relationship," which could only be a reference to Paul informing her, but she appears not to know that the affair Paul instigated with Vanessa lasted over a year before Marie's hired investigators reported to her in April 2013. Further, Marie's published defamatory statements concerning Vanessa as a whole reveal that Paul's dishonesty was not confined merely to misrepresenting the length of his affair with Vanessa, but involved malicious and intentional denigration of Vanessa. And even while Paul was feeding Marie dishonest and damaging statements about Vanessa, he was initiating e-mail communications to Vanessa using that same e-mail account he used to hide his contact with Vanessa with Marie.

34. In follow-up messages to Richard, Marie included other statements about Vanessa and her relationship with her former boss, John Deaton, that Marie had already learned were untrue:

What I meant to say the first time was a few days before the blow job. I believe her former boss also had something going on with her because when she left his employ he was so angry he would send her angry texts that he was going to tell her husband everything. That is all I know about that except she would always tell my husband about the gifts her former boss would buy her including a Mercedes.

I know everything including everything she ever told my husband about her past activity, if you want to know you can call. I am not sure if u want to hear anymore so I will leave it at that. Best

35. Feeling completely out of options, on June 24, 2013, Vanessa forwarded Marie's latest assault to Paul, along with the following:

I'm really starting to think that the best thing to do here is for me to just reach out to her and tell her the whole truth and brace myself for the fallout and just hope that it passes quickly. I can't just sit around and wait for you to keep giving her 1/100th of the truth every few weeks, total fabrications, and then have her lash out over and over and over.

I have to say though, it is amazing to hear through her what you really think of me. I fucked my old boss and he showered me with gifts? That's hysterical. I wanted to end up with you and have your baby? Really? I attacked you in the stairwell at work? Laughable.

Did you tell her that you tried to buy me shit all of the time and I repeatedly told you that I had no interest in your money? Or that you said you loved me all the time and I rarely said it back and that bothered you? You had no issue telling her that I've cheated on my husband our entire marriage (which you and I both know is not true), but did you mention to her that you have too?

I am not going to continue to be blind sided week after week and sit by and let you make shit up and then have her spread your BS to everyone. What we did was not right but the truth of what we did is much more believable and two sided than the picture you are painting to her. And you continue to act like you don't know where she is getting this

information from when it is blatantly obvious that she is getting this misinformation from you.

What's more believable Paul - that a 32 year junior attorney who weighs 100 pounds soaking wet seduced and physically attacked her 40 something year old boss (who happens to be a managing partner and a millionaire) and twice her size or the other way around? Who was in more of a position of power? Me or you? It's laughable that Marie actually believed that because no one else does and no one else with half a brain will.

I told my husband everything this morning - the whole truth. I'm not going to sit back and let Marie blindside him with your BS every few weeks unexpectedly. I've hurt him enough and he doesn't deserve to be hurt anymore. He wants to respond to her and tell her that he knows the whole story and that she should ask you for the whole story too. I've asked him not to but who knows? Maybe I have as much control over him as you obviously have over Marie.

....

[M]y personal and professional life is basically ruined and when I do start another job I will always have to worry everyday that Marie is going to pop up and spread your lies about me to my new employer. I may not even be able to practice law anymore and do what I love. I worked my ass off to put myself through law school against incredible odds and now I may not be able to be able to even use my degree. There is no amount of money in the world that could replace or make up for the things that you have taken from me and the lies that you have told. That's not even taking into the consideration the amount of money it is going to cost me in legal fees to make her stop.

36. Vanessa's message to Paul was prophetic. On June 25, 2013, Vanessa received another insulting message from Marie, this time indicating that Marie intended to defame Vanessa to her prospective employers in perpetuity:

My final words,  
BTW any confidence u told my husband about I know. And he thought you had a horrible body. It was without tone, pasty white, you had no chest "looked like a boy" and you had bad skin. He also thought your ring in your pubic area was cheap and discussing. BTW 50% of woman do not cheat on their husbands and I never did and never will. There are good people that do shitty things and shitty people. Paul is a good person

that did a shitty thing and I love him as he loves me. He will never do anything luke that again. U are just a shitty person. I feel bad for your husband. Good luck. PS My husband thought u were a slut too and that's how u were treated in case u were confused about what happened. PSS call Marc as much as u want. *I still have my investigators on u for your future employment.*

Your Scarlet Letter, Marie Napoli (Emphasis supplied.)

37. When Vanessa's husband, who had become increasingly concerned about Marie's erratic behavior, implored Marie to stop the campaign of harassment, Marie responded (on June 26, 2013) by defaming Vanessa further:

She just better stay away from my husband and our world!

Or I will come back with a vengeance. Btw she has never been true to u, your entire marriage.

She is trying to come back around. Did she tell u that?

38. Marie defined what she meant by "our world" more precisely in this exchange when she said:

If she [Vanessa] communicates with anyone at my husbands office I am coming after her. She stays clear of my world. that means my husbands office an everyone that works there I will not. I will tell the world!

39. In terms, this would apply to any further work Vanessa could do in her field of plaintiff's asbestos litigation, especially as Vanessa had greatly expanded Napoli Bern's work in that area. And Marie carried through on this threat when Vanessa obtained new employment in Texas at a prominent firm that does that work.

40. Marie next escalated her attacks by contacting Vanessa and her husband from fake telephone numbers and e-mail addresses, posing as phantom individuals with whom Vanessa had allegedly participated in other affairs. The first such text exchange between Richard and Marie using a fake number ((201) 537-3871) was on July 30, 2013:



Marie: tell ur hoe 2 stop fucking my man. we got a family. if she come around again theres gonna b a problem. I've been watching that slut. She needs to backoff

Richard: Who's this?

Marie: doesn't matter who I am. Im not the one wrecking up a family. She needs to stop coming around. tell her to back off  
she'll know probably pretend she don't. feel bad for u if ur her man

....

Marie: my man is chris and im jackie. what diff does it make i said my peace

....

Richard: I want to know everything. Where did Chris and her meet up?  
?

Marie: he wouldnt confess everything just they would meet for sex and she would make fun of the guy she lived w/ no good in bed, small dick. im done w/ him

41. In a later text exchange with "Jackie," Richard informed Marie that he knew who she was, and he reminded her that he had asked her to leave Vanessa and him alone, Marie dropped the slang she had been trying to use to disguise herself:

Richard: ... This does neither of us any good

Marie: How can u be ok after all if this and still be there when I can't stand the sight of him when I do see him.

sorry to have bothered u. I will have closure once he's gone for good, then I'll be able to truly move on. I wish us both in finding better than what we settled for. This time I'll be searching for good wholesome men

Good luck in finding a good wholesome girl, who has good moral fiber

42. On August 13, 2013 Richard started to receive texts from yet another unknown number ((646) 701-5463), with Marie posing as a mystery man:

Marie: We will never completely stop communicating. You should know that.

Richard: Huh?

Sorry think you have the wrong number

Marie: You know what I'm referring to. You should know she will never not reach out to me.

Richard: I don't. But id be happy to meet with you at some point to you can explain this to my face to face

Marie: You understand the meaning of the context. Despite your efforts we wont stop being in each others lives. You should know that.

There's nothing you can do to change that.

43. In September 2013, Marie again began to attack Vanessa on Facebook. After Vanessa separated from Napoli Bern, and before she became employed by Shrader & Associates in Houston, Vanessa applied to, was accepted by, and completed the program offered by, the Gerry Spence Trial Lawyers College (the Trial Lawyers College), the prestigious institution located in Wyoming and founded and run by Gerry Spence, the prominent plaintiff's trial lawyer. Vanessa had advised Marc Bern that she had applied to the Trial Lawyers College. Upon information and belief, through Marie's unauthorized and improper access to Napoli Bern's e-mail accounts and other workplace files and resources, or through irresponsible conduct of Marc or Paul, Marie learned this.

44. The evening of Vanessa's graduation from the Trial Lawyers College, Marie sent a Facebook "friend" request to Bill Horton, one of Vanessa's classmates. When Bill asked who she was, Marie lied and said she had been in his class at the Trial

Lawyers College, but Bill, skeptical of her claim, declined her request. During the months of October and November, Marie sent similar “friend” requests to numerous people associated with the Trial Lawyers College, Marie also accessed Paul Napoli’s Facebook page to make “friend” requests. Many of Vanessa’s colleagues forwarded her evidence of Marie’s activities. In an effort to block Marie’s access to her information, Vanessa upped her privacy settings and began to “unfriend” any Facebook “friends” she had in common with Marie.

***D. Vanessa moves to Texas, but Marie’s attacks only become more public, vicious, and physically intimidating***

45. By this time, Vanessa had determined that she had to find employment away from New York and Marie’s apparent sphere of influence. That opportunity finally came on November 14, 2013, when Vanessa moved to Houston, Texas, and to begin working in Shrader & Associates’ Houston office. Her reprieve from Marie’s attacks wouldn’t last long: within a month of Vanessa’s arrival, Marie sent several identical letters via the U.S. mail to wives and family members of the partners at Shrader & Associates. The letters, full of defamatory statements about Vanessa designed to get her fired, were disguised as Christmas cards with three-page handwritten letters inside:

Dear Mrs. [] –

My name is Marie Napoli. I have attached a picture of me and my family so you can see who we are. My husband Paul and I have been together for 20 years, during that time he has been a loyal, loving and devoted husband, partner, father and family man. I know him well and we love each other deeply. I am writing to you because we have something in common and you and your family have a threat that you may not be aware of. I wish someone had warned me when I was in your position. A woman your husband’s firm has recently hired to handle asbestos cases named Vanessa A. Dennis had worked for my husband. I understand she is a self admitted sex addict. I believe she was receiving treatment in

New Jersey at a facility called Pathways. This woman was, as I understand sexually abused when she was younger and has become a sexual predator. She pursued [sic] my husband sexually while she worked for him. She did this, I understand in part by showing naked pictures of herself on an I phone including her private area with a clit ring included. She also showed him pornography and talked about sex all the time, she told him she wanted it with him to relieve stress to help her work. She talked about how she would masterbate [sic]. I apologize to be so graphic but I want you to understand this woman has no boundaries [sic].

She was very aware that he was a happily married man. She also tried to pull down his pants. Ultimately, I found out what was going on and she was immediately fired. I was lucky that major damage was not done to my family. Her husband became aware of the situation and they are now separated. He moved from their home together in Hoboken to Jersey City. I believe he knew this was her MO. He admitted to me this was not the first time for her. She has now relocated to Houston and is working for your husband. She had told my husband that she had multiple affairs with married men and that was her preference. I knew she had relocated from Rhode Island where, as I understand, she also had a violent ending to that employment. She told my husband that her previous boss bought her a Mercedes and expensive gifts. She also has experience in divorce law and she told my husband that she assisted in her previous boss in his divorce. When working for my husband, I understand, she would receive harassing emails from her old boss and was petrified to see him. I wanted to know if she had done this with her prior employer in R.I. so I contacted his x-wife [sic]. She thereafter refused to let him see his kids. It is obvious to me that something happened. She admitted to an affair with a married man from Arizona which ended when her husband found out and is when she began pursuing [sic] my husband. She also admitted to an affair with a married man, I think from Chicago for two years who ended it when his wife found out. I was made aware that she has been relocating her whole life. She has moved from Arizona, California, Rhode Island, South Carolina, New York, New Jersey and now Houston Texas after the last blow-up at her job in N.Y. with my husband's firm.

This woman has an issue. This woman has no respect for the sanctity of marriage and the damage she causes to families and children because of her actions. I do not know if she is still receiving treatment for her sexual compulsion in Houston but either way if I were you I would not let her near my husband. Do what you want wish with this information but I needed to in good conscience let you know. I couldn't let her destroy yet another family without warning you.

Good luck to you and your family,

Best

Marie Napoli

46. Then, the day after Christmas 2013, Vanessa received a notice from Facebook that Marie Napoli had left several comments on Vanessa's photos on the site. On a photo depicting Vanessa dancing (visible to all of Vanessa's more than 300 Facebook "friends"), Marie posted "Slut." On a photo of Vanessa and some of her Facebook "friends" where Vanessa and several others were "tagged" (meaning the photo could also have been viewed by any of the tagged individuals' Facebook "friends"), a previous person had commented, "We know [people in the photo are laughing at] something you said ... can tell by them laughing and the look on your face" to which Marie replied, "Probably that she is a wonderful wife." The last photo depicted a close-up shot of Vanessa and a classmate from the Trial Lawyers College. Marie's comment associated with that photo was: "Nice skin, Need a Dermatologist [*sic*]."

47. "Friend" is a term of art on Facebook, and does not denote a close, intimate, or long-term relationship. In addition, the "tagging" function on Facebook permits posts to be transmitted and viewed by any of the "tagged" individuals' Facebook "friends." Importantly, then, Marie's publication of defamatory statements to Vanessa's Facebook "friends" reached many thousands of individuals in the United States and possibly abroad who did not know Vanessa well, and in many instances, did not know her at all. But given that the center of the friends and "tags" in this instance was the Trial Lawyers College, it is certain that these defamatory statements reached many in the plaintiff's bar across the country, i.e., potential future employers and professional colleagues. The same applies to Marie's later posts to Facebook and those to LinkedIn.

48. On January 25, 2014, Marie again began posting derogatory comments under photos on Vanessa's Facebook page. The first photo depicted Vanessa with six of her classmates from the Trial Lawyers College, four of whom were "tagged." Marie commented on the photo, "Vanessa is a slut." One of Vanessa's colleagues who was tagged in the photo, Jacqui Ford, immediately responded to Marie's comment that "I don't know you, Marie Kaiser Napoli and you appear to be friends with my ranch friends. If this is supposed to be cute, I suggest you make it known or get the hell off my picture. You don't talk about my friends that way."

49. In a private Facebook chat with Jacqui, Marie reiterated her defamatory statements about Vanessa:

Jacqui: Marie,

I do not know you or what problem you have with Vanessa. But this behavior is inappropriate. Not to mention incredibly childish. I see you have some mutual friends of mine and that your husband is also friends with these people. I'm asking you nicely to remove all of your hateful, mean, school yard bully posts. Not because I am threatening you but because it's the right mature grown up thing to do. Take up your personal grievances with Vanessa in an appropriate forum. I'm sure you know FB is not that. I would hope you aren't teaching those beautiful children of yours that this is how they should talk or behave. Please consider my requests. Feel free to have a conversation with me if you like. Please do the right thing.

Thank you!

Marie: Hi Jacqui, well Vanessa has caused damage to those beautiful children and my whole family. She is a sex addict who worked for my husband of 20 years and sexually persued [sic] him sexually. She was receiving treatment at a facility called Pathways. I understand that she was sexually abused as a child and has become a sexual predator. She has done this to many other families. She is not a good person.

I understand that she did this by showing him naked pictures of herself on an iPhone pornography and would talk about her

masturbating practices. I apologize for being graphic but I want u to understand that she has no boundaries. She has left now two jobs and maybe three because of this problem. She has an issue. She has no respect for the sanctity of marriage and the damage she causes to families and children. She has the problem.

50. Despite this exchange, Marie continued by commenting on another photo which depicted Vanessa, twelve of her classmates at the Trial Lawyers College, and three of her professors: "Vanessa was fired from her job at Napoli Bern for being a slut!" One of Vanessa's classmates who was tagged in the photo immediately responded to Marie's comment, stating, "Ms. Napoli, I do not know you and you clearly have an issue with Vanessa. However, my children are friends with me on Facebook and they occasionally show others the posts from my experience at Trial Lawyers College. Please remove your comments. Thank you in advance." Marie did not respond and did not remove her comments.

51. Marie ratcheted up the intensity again when, on January 27, 2014, she sent a series of disturbing text messages from yet another random telephone number ((270) 906-9016), taking credit for a break in to Vanessa's apartment in Houston during which Vanessa's cat had gone missing. Suspecting that Marie was the sender, Vanessa responded, "Obsessed much?" Marie responded with a threat: "More to come.... Lots more How do u think [your cat] got out.... LOL U don't know anything about me do you? LOL (ellipses in original)." Marie's next text message that day was Vanessa's exact home address, down to the apartment number. It was at this point that Vanessa remembered with terror that on the day of her cat's disappearance, Vanessa had been in the shower and came out to discover that her back door was wide open and her cat was gone.

52. Vanessa received more threatening text messages from the same number on January 29, 2014, March 4, 2014, and March 5, 2014. In the first message, Marie insinuated that she was having Vanessa followed: "Green is clearly your color...unlike options." In the last message, on March 5, 2014, Marie physically threatened Vanessa yet again: "For the rest of your life those around u will know who u are. Forever.... Have u seen me yet?" (ellipsis in original).

53. Throughout the month of February 2014, and into early March 2014, Vanessa also received threatening messages from Marie from the e-mail address ragnerathome3@aol.com. During these exchanges, Marie promised she would show up at Vanessa's house and physically assault her: "I will come by later to straighten it out. Leave the door open for me." She also sent Vanessa a message including a hyperlink with the statement, "Attention - your name is being tarnished by negative information online. What can you do to prevent this? Wouldn't it be terrible if your loving family, current boss, people you live beside and friends saw this embarrassing and potentially career ending information?" On March 3, 2014, Marie sent another threatening message from a different fictitious account: "Who is that? Maybe u should take your crazy pills. Have you seen me lately? Pay attention and maybe u will tomorrow."

54. On March 15, 2014, Vanessa received a message from Facebook telling her that a fake account of Marie's, "Ragner Becca," had accessed Vanessa's profile, copied her profile picture, and reposted it with the following message: "Vanessa Dennis is hiding and a whore. Everyone around her who does not already know this will very shortly. The wives must love you!! LOL[.]"

55. On the same day, Vanessa received an especially alarming text message from another of Marie's fake accounts (or possibly one of her agents'),



darrengantt10@aol.com, indicating that Vanessa had been followed on the freeway in Houston, The message stated:

VD, you should talk to the two guys u drive to lunch on Friday so they can talk to their wives before somebody else does, and you should really be more careful getting off the highway. U could have killed someone. And don't worry about me, all is well. It is no trouble at all. just a few dollars to follow up. Best, D ☺.

56. In fact, Vanessa did drive on the freeway in Houston to lunch on that Friday and there were two men in her car, and she did drive fast on that occasion. So it is apparent that Marie had Vanessa placed under surveillance in Houston. And Marie's message makes it clear that Marie wanted Vanessa to know that in order to cause Vanessa as much distress as possible.

57. At this point, fearing for her physical safety and concerned about the privacy of her coworkers and clients (with whom she routinely meets), Vanessa proceeded to file a police report with the Houston police.

58. On April 9, 2014 Vanessa received a text message from a friend informing her that he had received a defamatory private Facebook message from a "VD Buonaiuto." This time, Marie had opened a Facebook account in a name that fraudulently impersonated both Vanessa and Vanessa's husband, and sent "friend" requests to many of Vanessa's and, upon information and belief, Richard's friends and family. The message Vanessa's friend received read:

Vanessa Dennis is a self-admitted slut. She was sexually abused by her father and had an incestuous [*sic*] relationship with him. She has become a sexual predator and addict. She has been having affairs her whole marriage to Rich. She has lost her last two jobs for sexually perusing [*sic*] her last two bosses who were married at the time. It ended badly. She had to move to Houston to find work. She had an affair with a man from Arizona, a man from Florida, and a two year affair with a man from Chicago. She said that one hurt when it ended when his wife found out.

She said she would only have affairs for a year after that one so she would not get attached I know his because she sexually persued [sic] my husband and offered sex with him her and with other woman together to entice him to leave the marriage. He thought she was nuts and a slut. She told all this information to him. She is still perusing [sic] sex outside her marriage. If you can call it that. She also showed him naked pictures of herself including her clit ring and potnography [sic], she sexualized everything and would tell him how she would masturbate to pornography and needed sex because she did not have it with her husband. She is mentally ill and takes what she calls her crazy pills for her mental issues.

59. Richard received word around the same time period that "VD Buonaiuto" had publicly posted an identical message in the comments underneath wedding photographs on his cousin's Facebook page. Upon information and belief, by deceptively using the fraudulent account using Vanessa's initials and Vanessa's husband's last name, Marie had managed to "friend" the account on which that page was posted.

60. Then, on May 16, 2014, Vanessa discovered that Marie had intensified her attempts to get Vanessa fired from her job in Houston by sending LinkedIn e-mails to every person associated with Shrader & Associates on that service (and to a former paralegal at Napoli Bern). This obviously included most, if not all, of the employees of Shrader & Associates, both professional and staff. The contents of the e-mails was substantially the same as the contents of the handwritten letters Marie had sent to her employers' wives and family the previous Christmas:

Vanessa Dennis Buonaiuto is a self admitted sex addict. She was sexually abused by her father and had an incestuous relationship with him. She has become a sexual predator and addict. She has received treatment for her sexual compulsion at Pathways. She has other compulsions such as skin picking, hand biting as well as other mental issues. She has been having affairs her whole marriage to Rich. She has lost her last two jobs for sexually perusing [sic] her last two bosses [sic]. She caused her boss from RI's divorce. She had to relocate and move to NY. Her bosses [sic] wife from NY figured out who she really was and fired her. She knew both bosses were married at the time. Both jobs ended badly for her. She has to move to Houston to find work. She

prefers to pursue and have sex with married men so they will keep her secret (which is no longer a secret). She had an affair with a man from Arizona, a man from Florida and a two year affair with a man from Chicago. She said that one hurt when it ended when his wife found out. She said she would only have affairs for a year after that one so she would not get attached. I know this because she sexually pursued my husband and offered sex with him her and with other woman together (Menage a trios) to entice him to leave the marriage. He thought she was nuts and a slut. She told all this information to him. She is still perusing [sic] sex with married men outside her marriage, if you can call it that. She also showed my husband naked pictures of herself including her Clit ring and pornography, she sexualized everything and would tell my husband how she would masturbate to pornography and needed sex because she did not have it with her husband. She is mentally ill and takes what she calls her crazy pills for her mental issues.

61. On or about \_\_\_\_\_, Vanessa learned that Marie was not content with merely an attack directed to Facebook pages of Vanessa's friends and Vanessa's husband's family. Upon information and belief, Marie, using Facebook, had also contacted a classmate of Vanessa's husband from business school at Yale University.

***E. Marie's defamatory publications after this suit commenced***

62. Vanessa commenced this suit by summons with notice filed on April 22, 2014. Paul, Marc, and Napoli Bern were served with process on May 21, 2014. Marie was served with process at her home on May 29, 2014.

63. *On June 29, and July 1, 2014, after Marie was served with process, she posted substantially the same defamatory material to the Facebook pages of at least three of Vanessa's friends:*

My Name is Marie Napoli, you can see from my pictures of me and my family who we are. You do not know who Vanessa Dennis really is. As you can also see from my last name Vanessa Dennis worked for my husband Paul. Paul and I have been together for 21 years. I know him well and we love each other deeply. During that time he has been a

devoted, loyal, loving husband, father and family man. Last year I was diagnosed with cancer and my husband was emotionally vulnerable. Vanessa was aware of my families situation and during this difficult time she sexually pursued him. I later learned that she has treated for sex addiction at Pathways and a self admitted sex addict. I am writing to you because I think you should know who t his [sic] woman really is. I understand she was sexually abused by her father when she was young and believe she has become a predator. When She knew I was going through radiation therapy she sexually pursued my husband by, as I understand, showing naked pictures of herself, including her clit rring on her iPhone. she also showed him pornography and talked about sex all the time. She told him how she would masturbate (sorry to be so graphic) and did not have sex with her husband Rich, how she needed it to relieve stress so she could work and how she wanted sex with my husband. This woman has no boundaries. She was aware my husband was happily married was happily married man. In fact she told my husband she preferred married men so that they would keep her secrets. I found out what was going on and I fired her myself and she had to leave NY to find work in Houston. Her husband told me this was not the first time for her. In fact, she was cheating on him his whole marriage. I understand she left her job in RI for similar reasons. My husband told me that she claimed her previous boss from RI bought her a Mercedes, expensive gifts and helped him with his divorce. When working for my husband she said she received harassing emails from her old boss including ones that threatened to tell her husband everything. She was petrified to see her old boss from RI. I understand she admitted to an affair with a man from Florida, a man from Arizona and a two year affair with a man from Chicago. She said that one hurt and would only have an affair going forward for a year. She told my husband that everyone has affairs. I understand, she and her husband are now separated in part because of her issues. When i fired her myself, i understand she offered my husband sex with her and other women at the same time in an attempt to get him to leave the marriage and save her job. He thought she was crazy and a slut. This woman has no respect for the sanctity of marriage and the damage she causes families and children because of her actions. Everything I have said is true and I am initiating a lawsuit against her under Illinois law for criminal conversation for seducing my husband. I thought you should know who Vanessa really is.

#### **F. Summary**

64. From April 2013 to this day—including after she was served with process in this action—Marie very clearly has been and is continuing to attempt to ruin Vanessa's

reputation, career, and relationships; to threaten her; to intimidate and harass her; and to place her under surveillance with the intent to harass and intimidate her; and perhaps worse.

65. Further, Marie is a lawyer admitted to the bar in New York State and, upon information and belief, also admitted to the bar of the federal courts of the Southern and Eastern Districts of New York. Marie's prolonged and vicious campaign to defame, harass, intimidate, and injure Vanessa through immoral, unethical, fraudulent, deceptive, and illegal means is also a violation of ethical canons and disciplinary rules, as applicable, of each of those courts.

66. Marie was given material assistance in her vicious campaign to injure Vanessa by Paul and Marc, and through them, Napoli Bern. For example, with knowledge of Marie's tortious and illegal activities, and Marie's intent to defame, harass, intimidate, and injure Vanessa, and with knowledge as well of the acts Marie had committed to carry out a course of conduct to accomplish those goals, upon information and belief:

- a) They provided Marie, or failed to prevent Marie from obtaining, access to data maintained by Napoli Bern as Vanessa's employer, including, without limitation, Vanessa's personnel file and her work e-mail account.
- b) They permitted Marie to enlist individuals affiliated with them or employed by Napoli Bern to convey data concerning Vanessa maintained by Napoli Bern to Marie.
- c) They permitted Marie to enlist the aid of individuals employed by or affiliated with Paul, Marc, and Napoli Bern, whose identities are currently unknown, in carrying out her improper campaign to defame, intimidate, harass, and injure Vanessa, by, among other things, assisting Marie with establishing and using fraudulent electronic accounts, such as for text messaging under aliases.
- d) Paul provided Marie with the use of his work e-mail account and his Facebook account.

67. Upon information and belief, Marie is neither a member nor an employee of Napoli Bern, and she is not, nor can she legally be authorized to, have access to, or use in any way, data concerning Vanessa maintained by Napoli Bern as Vanessa's employer, including, without limitation, Vanessa's personnel file and e-mail accounts of Vanessa or Vanessa's husband. Nor can Marie legally use her husband Paul's Napoli Bern e-mail account tortiously to injure Vanessa.

68. Still further, regardless of whether information Paul, Marc, and Napoli Bern permitted Marie to access and use in her illegal campaign to injure Vanessa must be maintained on a confidential basis, because they knew the use Marie had made, intended to make, and was making of that information was illegal and improper, they had a duty not to transmit it to her, to prevent others over whom they had control to transmit it to her, as well as to prevent Marie from using that information to injure Vanessa.

69. At all relevant times, Paul, Marc, and Napoli Bern were aware that Marie was conducting a prolonged and improper campaign to defame, harass, intimidate, and injure Vanessa, and they were further aware that Marie had used, was using, and would use in the future, data concerning Vanessa maintained by Napoli Bern and Paul's work e-mail account and Facebook account, individuals employed by or affiliated with Napoli Bern or either of them, and possibly other resources, to carry out that campaign. Therefore, in rendering assistance to Marie as aforesaid, they conspired with Marie in her campaign, and are equally liable with her, and any act by Marie that made, or attempted to make any use of such information or resources, as well as an act or omission by Paul, Marc, or Napoli Bern concerning same, is an overt act in furtherance of that conspiracy.

70. In sum, Marie has engaged in a course of conduct that includes, without limitation: (a) use of the U.S. mail, and other facilities of interstate commerce, including, without limitation, various interstate computer and electronic computer services, with the intent to harass, intimidate, defame, and injure Vanessa; and (b) placing Vanessa under surveillance with the intent to harass, intimidate, and injure Vanessa. Further, Marie's course of conduct has caused Vanessa injury, including substantial emotional distress. The defendants other than Marie, i.e., at present Paul, Marc, and Napoli Bern, have aided and abetted Marie, and conspired with Marie, in that course of conduct.

71. Vanessa is seeking relief from this Court, to ensure that Marie is stopped before she escalates her attacks further, to require Marie to repair that damage to the fullest extent possible, and requiring defendants to compensate Vanessa for the damage defendants have already caused her and that will, inevitably, damage her in the future.

## **CAUSES OF ACTION**

### **Count I**

#### **Defamation**

#### **(Libel: Against All Defendants)**

72. All preceding paragraphs are incorporated herein for all purposes.

73. The statements Marie made quoted above, and others, are defamatory, i.e., they exposed, and tended to expose, Vanessa to public ridicule, disgrace, contempt, hatred, or aversion.

74. The statements Marie made quoted above, and others, referred to Vanessa and were published to numerous individuals other than Vanessa.

75. Marie has repeatedly published these defamatory statements over an extended period of time, to thousands of individuals, many of whom are in Vanessa's profession, across the entire United States (and possibly to persons who work and live abroad as well). Thus, Marie has continuously defamed Vanessa throughout the prolonged attack Marie began on April 23, 2013 and which is continuing to this day, even while this suit is continuing.

76. At all relevant times, Marie has acted maliciously, and with the intent to injure Vanessa with disregard for Vanessa's rights.

77. In this connection, as noted (see ¶¶ 2, and 62-63), Marie even has continued to publish defamatory statements about Vanessa after Marie was served with process in this action.

78. At all relevant times, Paul conspired with, and aided and abetted, Marie in her unlawful and prolonged campaign to injure Vanessa. For example, with full knowledge of Marie's campaign to injure Vanessa, he maliciously and intentionally fed Marie defamatory statements about Vanessa, knowing that Marie, acting with malice, would republish those false statements to others as part of Marie's campaign. (See Count II.)

79. Upon information and belief, Paul also knew at all relevant times that the defamatory statements concerning Vanessa that he published to Marie would inflame Marie and make it more likely than not that Marie would continue her illegal campaign to injure Vanessa.

80. Additionally, and with the same guilty knowledge and intent as set forth in ¶¶ 78-79, Paul provided Marie with access to his Facebook account and his work e-mail account.



81. Further, Napoli Bern and its agents and representatives, including, without limitation, Paul and Marc, conspired with, and aided and abetted, Marie in her unlawful and prolonged campaign to injure Vanessa, by, upon information and belief, providing Marie with access to Vanessa's personnel file and work e-mail account, and Paul's work e-mail account and Paul's Facebook account.

82. Consequently, Paul, Marc, and Napoli Bern also acted maliciously to injure Vanessa and with disregard for Vanessa's rights.

83. By reason of the foregoing, defendants have caused irreparable harm to Vanessa's personal and professional reputation, and have placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, defendants should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

84. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages in an amount to be determined at the trial of this action.

85. Further, by reason of the foregoing, Vanessa moved to Texas and obtained medical treatment, and is thereby entitled to additional compensatory damages in an amount to be determined at the trial of this action, but not less than \$\_\_\_\_\_.

86. Still further, Vanessa is entitled to exemplary damages in an amount to be determined at the trial of this action. The aggregate damages to which Vanessa is entitled is not less than one million dollars, exclusive of interest and costs.

## **Count II**

### **Defamation**

#### **(Libel: Against Paul J. Napoli)**

87. All preceding paragraphs are incorporated herein for all purposes.

88. Marie advised people to whom she defamed Vanessa that Paul was the source of her defamatory statements about Vanessa. For example:

- a) "I have heard all the details of the relationship" (§ 32).
- b) "After the fact he told me everything. I hear that she has done this kind of thing before and has ruined many marriages" (§ 29).
- c) "She [Vanessa] told all this information to him [Paul]." Marie is referring, among other things, to her defamatory statements to the effect that Vanessa had affairs with her two bosses before Paul at Napoli Bern, that Vanessa is "nuts," a "slut," and is a sexual "predator" and "addict" (§ 58).

89. Accordingly, upon information and belief, Paul published to Marie defamatory material concerning Vanessa that Marie republished to others.

90. For example, upon information and belief, Paul published to Marie the defamatory statements that:

- a) Vanessa is "nuts, "crazy" and a "slut."<sup>3</sup>
- b) Vanessa is "mentally ill" and takes "crazy pills."<sup>4</sup>
- c) Vanessa is a "sexual predator" and a "sex addict."<sup>5</sup>
- d) Vanessa had an affair with at least two former employers, and thereby caused the divorce of the her boss at the firm at which she was employed before Napoli Bern, and that Vanessa has repeatedly lost her employment, and been compelled repeatedly to relocate, due to sexual misconduct.<sup>6</sup>

<sup>3</sup> E.g., "PS My husband [Paul] thought u were a slut too and that's how u were treated in case u were confused about what happened" (§ 36). "He [Paul] thought she [Vanessa] was nuts and a slut" (§§ 58, 60). "He thought she was crazy and a slut" (§ 63).

<sup>4</sup> E.g., "She [Vanessa] is mentally ill and takes what she calls her crazy pills for her mental issues" (§§ 58, 60).

<sup>5</sup> E.g., "[Vanessa] has become a sexual predator (§§ 45, 49). "She has become a sexual predator and addict" (§§ 58, 60).

<sup>6</sup> E.g.,

She has lost her last two jobs for sexually perusing [sic] her last two bosses [sic].  
She caused her boss from RI's divorce. She had to relocate and move to NY.  
Her bosses [sic] wife from NY figured out who she really was and fired her.

- e) Vanessa tried to prostitute herself to Paul in order to retain her position at Napoli Bern.<sup>7</sup>

91. Paul made his defamatory statements concerning Vanessa to Marie with full knowledge of Marie's ongoing campaign to injure Vanessa, and he intentionally fed Marie the defamatory statements about Vanessa, knowing, or recklessly disregarding, that Marie, acting with malice, would republish those defamatory statements to others.

92. Further, upon information and belief, Paul knew at all relevant times that the defamatory statements concerning Vanessa that he published to Marie would inflame Marie and make it more likely than not that Marie would continue her illegal campaign.

93. Consequently, Paul acted maliciously to injure Vanessa and with disregard for Vanessa's rights.

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She knew both bosses were married at the time. Both jobs ended badly for her. She has to move to Houston to find work. (¶ 60)

I understand she left her job in RI for similar reasons. My husband told me that she claimed her previous boss from RI bought her a Mercedes, expensive gifts and helped him with his divorce. When working for my husband she said she received harassing emails from her old boss including ones that threatened to tell her husband everything. She was petrified to see her old boss from RI. (¶ 63)

I knew she had relocated from Rhode Island where, as I understand, she also had a violent ending to that employment. She told my husband that her previous boss bought her a Mercedes and expensive gifts. She also has experience in divorce law and she told my husband that she assisted in her previous boss in his divorce. When working for my husband, I understand, she would receive harassing emails from her old boss and was petrified to see him. I wanted to know if she had done this with her prior employer in R.I. so I contacted his x-wife [*sic*]. She thereafter refused to let him see his kids. It is obvious to me that something happened. (¶ 45)

<sup>7</sup> E.g.,

When i fired her myself, i understand she offered my husband sex with her and other women at the same time in an attempt to get him to leave the marriage and save her job. (¶ 63)

94. At all relevant times, Paul knew that the defamatory statements he published to Marie she would republish in written form, i.e., as libel and not as slander, as part of Marie's campaign. Consequently, each of Paul's defamatory statements to Marie concerning Vanessa, whether oral or written, constitutes libel on its face.

95. By reason of the foregoing, Paul has caused irreparable harm to Vanessa's personal and professional reputation, and has placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, Paul should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

96. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages in an amount to be determined at the trial of this action.

97. Further, by reason of the foregoing, Vanessa moved to Texas and obtained medical treatment, and is thereby entitled to additional compensatory damages in an amount to be determined at the trial of this action, but not less than \$\_\_\_\_\_.

98. Still further, Vanessa is entitled to exemplary damages in an amount to be determined at the trial of this action. The aggregate damages to which Vanessa is entitled is not less than one million dollars, exclusive of interest and costs.

### **Count III**

#### **Defamation**

#### **(Slander: Against Paul J. Napoli)**

99. All preceding paragraphs are incorporated herein for all purposes.

100. To the extent the defamatory statements Paul published to Marie were oral and for some reason are not deemed libel despite his knowledge that Marie intended to, and did, republish them in written form, those statements constituted slander *per se*, in that

they impute to Vanessa serious sexual misconduct, and sexual and mental diseases and disorders; accuse Vanessa of the crime of prostitution; and impute to Vanessa dishonesty in her profession.

101. By reason of the foregoing, Paul has caused irreparable harm to Vanessa's personal and professional reputation, and has placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, Paul should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

102. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages in an amount to be determined at the trial of this action.

103. Further, by reason of the foregoing, Vanessa moved to Texas and obtained medical treatment, and is thereby entitled to additional compensatory damages in an amount to be determined at the trial of this action, but not less than \$ \_\_\_\_\_.

104. Still further, Vanessa is entitled to exemplary damages in an amount to be determined at the trial of this action. The aggregate damages to which Vanessa is entitled is not less than one million dollars, exclusive of interest and costs.

#### **Count IV**

#### **Intentional Infliction of Emotional Distress (Against All Defendants)**

105. All preceding paragraphs are incorporated herein for all purposes,

106. Marie's prolonged attack on Vanessa as set forth above is shocking and outrageous and exceeds all reasonable bounds of decency.

107. As noted (see ¶¶ 2, and 62–63), Marie even has continued to publish damaging statements about Vanessa after Marie was served with process in this action.

108. In carrying out her attack on Vanessa, Marie intended to cause Vanessa severe emotional distress.

109. In all events, Marie's attack on Vanessa evinced a reckless lack of concern and complete disregard that Marie's conduct and actions would cause Vanessa severe emotional distress.

110. The circumstances of Marie's attack on Vanessa were such that it was substantially certain that Marie's conduct and actions would cause Vanessa severe emotional distress.

111. Marie's attack on Vanessa caused Vanessa severe emotional distress.

112. At all relevant times, Paul and Marc, individually and on behalf of Napoli Bern, knew Marie was engaging in this conduct; knew its intended result to cause Vanessa severe emotional distress; and knew that it had caused and, if not stopped would continue to cause, Vanessa severe emotional distress. With that knowledge, they aided, abetted, and conspired with, Marie in her attack on Vanessa, and did not prevent or stop it, when they had the means and the obligation to do so.

113. For example, Paul, acting individually and on behalf of Napoli Bern, among other things:

- a) defamed and denigrated Vanessa to Marie;
- b) provided Marie with access to data concerning Vanessa maintained by Napoli Bern as Vanessa's employer; and
- c) provided Marie with access to his work e-mail account and his Facebook account.

114. For example, Marc, acting individually and on behalf of Napoli Bern, failed to prevent Marie from obtaining, access to data concerning Vanessa maintained by Napoli Bern as Vanessa's employer, as well as failed to prevent Marie from using and continuing to use Napoli Bern resources to injure Vanessa, including Paul's e-mail account and data concerning Vanessa maintained by Napoli Bern.

115. Further, upon information and belief, Paul and Marc, acting individually and on behalf of Napoli Bern, failed to prevent Marie from using Napoli Bern resources to injure Vanessa by arranging to open and use fictitious, fraudulent, and deceptive electronic accounts.

116. By reason of the foregoing, defendants have caused irreparable harm to Vanessa's personal and professional reputation, and have placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, defendants should be permanently and preliminarily enjoined from any further activities that injure Vanessa.

117. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages and exemplary damages in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars, exclusive of interest and costs.

## **Count VI**

### **Reckless Infliction of Emotional Distress (Against Paul, Marc, and Napoli Bern)**

118. All preceding paragraphs are incorporated herein for all purposes.

119. At all relevant times, Paul, Marc, and through them Napoli Bern, were aware that Marie intended to cause Vanessa severe emotional distress, and that the

circumstances of Marie's attack on Vanessa were such that it was substantially certain that Marie's conduct and actions would cause Vanessa severe emotional distress.

120. Paul, Marc, and through them Napoli Bern, acted with reckless disregard that Marie would use the statements Paul made to her about Vanessa, and Paul's Facebook account, and information concerning Vanessa, and expertise concerning opening and using electronic accounts, they provided, or permitted to be provided, to Marie, to cause Vanessa severe emotional distress.

121. By reason of the foregoing, Paul, Marc, and Napoli Bern have caused irreparable harm to Vanessa's personal and professional reputation, and have placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, said defendants should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

122. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages and exemplary damages in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars, exclusive of interest and costs.

### **Count VII**

#### **Negligent Infliction of Emotional Distress (Against Paul, Marc, and Napoli Bern)**

123. All preceding paragraphs are incorporated herein for all purposes.

124. At all relevant times, Paul, Marc, and through them, Napoli Bern, were aware that Marie intended to, and did, access Napoli Bern's records and resources, including, without limitation, data concerning Vanessa, and Paul's work e-mail account, and



expertise concerning opening and using fictitious, fraudulent, and deceptive electronic accounts, and made illegal and improper use of such data, resources, and expertise to defame, harass, intimidate, and injure Vanessa, and to cause Vanessa severe emotional distress. In addition, at all relevant times, Paul was aware that Marie was misusing his Facebook account, to defame, harass, intimidate, and injure Vanessa and to cause Vanessa severe emotional distress.

125. In addition, at all relevant times, Paul, Marc, and through them, Napoli Bern, were aware that employees of Napoli Bern, or other individuals affiliated with them or Napoli Bern, assisted Marie in her illegal and improper purposes by transmitting to Marie, or permitting Marie to access, Napoli Bern's records and data concerning Vanessa, and Paul's work e-mail account, and providing expertise in opening and using fictitious, fraudulent, and deceptive electronic accounts.

126. Paul, Marc, and Napoli Bern each had a duty to maintain the confidentiality of Vanessa's personnel file, work e-mail account, and other resources and data, electronic and otherwise, Napoli Bern maintained concerning Vanessa, and all Napoli Bern's work e-mail accounts, and to prevent Marie's unauthorized access to those records and data, either directly from them or otherwise. Further, they each had a duty to prevent individuals employed by Napoli Bern or otherwise affiliated with Napoli Bern or them from assisting Marie in any way in Marie's campaign to defame, intimidate, harass, and injure Vanessa, and cause Vanessa severe emotional distress. And in addition, they each had a duty to prevent Marie from using any information in their respective possession, custody, or control in her campaign to defame, intimidate, harass, and injure Vanessa.

127. The aforesaid duties continued after Vanessa's separation from Napoli Bern.

128. However, although Paul and Marc and Napoli Bern had the means and opportunity to fulfill those duties, they each failed to exercise due care, and negligently and carelessly breached those duties.

129. As a proximate cause of the foregoing, Marie threatened Vanessa, advised Vanessa that Marie was having Vanessa surveilled, and took credit for a break-in at Vanessa's apartment, which caused Vanessa to fear for her physical safety and caused Vanessa severe emotional distress.

130. As a proximate cause of the foregoing, Vanessa suffered irreparable harm to her personal and professional reputation, and her job security and the future of her career have been placed in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, said defendants should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

131. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages and exemplary damages in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars, exclusive of interest and costs.

### **Count VIII**

#### **Negligent Hiring and Supervision (Against Paul, Marc, and Napoli Bern)**

132. All preceding paragraphs are incorporated herein for all purposes.

133. At all relevant times, Paul, Marc, and through them, Napoli Bern, were aware that Marie intended to, and did, access Napoli Bern's records and resources, including, without limitation, data concerning Vanessa, and Paul's work e-mail account, and expertise concerning opening and using fictitious, fraudulent, and deceptive electronic

accounts, and made illegal and improper use of such data, resources, and expertise to defame, harass, intimidate, and injure Vanessa, and to cause Vanessa severe emotional distress.

134. In addition, at all relevant times, Paul, Marc, and through them, Napoli Bern, were aware that employees of Napoli Bern, or other individuals affiliated with them or Napoli Bern, assisted Marie in her illegal and improper purposes by transmitting to Marie, or permitting Marie to access, Napoli Bern's records and data concerning Vanessa, and Paul's work e-mail account, or in giving Marie other assistance.

135. At all relevant times, Paul, Marc, and Napoli Bern each had a duty to maintain the confidentiality of Vanessa's personnel file, work e-mail account, and other resources and data, electronic and otherwise, Napoli Bern maintained concerning Vanessa, and all Napoli Bern's work e-mail accounts, and to prevent Marie's unauthorized access to those records and data, either directly from them or otherwise. Further, at all relevant times, they each had a duty to prevent individuals employed by Napoli Bern or otherwise affiliated with Napoli Bern or them from assisting Marie in her campaign to defame, intimidate, harass, and injure Vanessa.

136. For example, and without limiting in any way the scope of the duties they had, at all relevant times Paul, Marc, and Napoli Bern each had a duty properly to hire and supervise Napoli Bern's employees, and individuals affiliated with Napoli Bern or them, as applicable, so as to prevent those individuals from:

- a) giving Marie access to records and data maintained by Napoli Bern, and Paul and Marc; and
- b) providing any assistance to Marie including, without limitation, in setting up and using fictitious, deceptive, and fraudulent electronic accounts.

137. The aforesaid duties continued after Vanessa's separation from Napoli Bern.

138. However, although Paul and Marc and Napoli Bern had and have the means and opportunity to fulfill those duties, they each failed to exercise due care, and negligently and carelessly breached those duties.

139. In addition, to whatever extent employees of Napoli Bern may be deemed to have been acting within the scope of their employment in providing information and assistance to Marie, Paul, Marc, and Napoli Bern's breaches of their respective duties were grossly negligent.

140. As a proximate cause of the foregoing, Vanessa suffered irreparable harm to her personal and professional reputation, and her job security and the future of her career have been placed in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, said defendants should be permanently and preliminarily enjoined from any further activities that defame and injure Vanessa.

141. In addition, by reason of the foregoing, Vanessa is entitled to compensatory damages and exemplary damages in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars, exclusive of interest and costs.

**Count IX**  
**Trespass**  
**(Against Marie Napoli)**

142. All preceding paragraphs are incorporated herein for all purposes.

143. At all relevant times, Vanessa has been the lawful tenant of the apartment in Houston where she resides and makes her home.

144. Neither Marie, nor any agent of Marie's, has, or has ever had, any right or interest in the apartment in Houston where Vanessa resides.

145. Upon information and belief, in or about January 2014, Marie intentionally arranged for an agent of hers to enter Vanessa's home, by unlawfully and forcibly breaking into Vanessa's apartment.

146. By reason of the foregoing, Vanessa is entitled to compensatory and exemplary damages in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars, exclusive of interest and costs.

### **Count X**

#### **Prima Facie Tort (Against All Defendants)**

147. All preceding paragraphs are incorporated herein for all purposes,

148. Marie published the statements concerning Vanessa, as aforesaid, intentionally and with the specific intent and desire to injure Vanessa by fraud and deceit. Marie's course of conduct in doing so was motivated by spite and malevolence, and has no legal justification.

149. Paul, and Marc, individually and on behalf of Napoli Bern, knew Marie was engaging in this unjustified and tortious course of conduct, and aided, abetted, and conspired with, Marie to assist and enable her to carry it out.

150. By reason of the foregoing, defendants have caused irreparable harm to Vanessa's personal and professional reputation, and have placed her job security and the future of her career in jeopardy, injury that cannot be redressed by the payment of money damages alone. Therefore, defendants should be permanently and preliminarily enjoined from any further activities that injure Vanessa.

151. In addition, by reason of the foregoing, defendants have caused Vanessa to move to Texas and caused Vanessa to obtain medical treatment. Accordingly, Vanessa

has been damaged in an amount to be determined at the trial of this action, but not less than \$ \_\_\_\_\_, exclusive of interest and costs.

### **General Allegations Concerning Exemplary Damages**

152. Defendants have acted in all respects maliciously, intentionally, and wantonly, and sought, knowingly and in bad faith, to deceive the public.

### **Reservation of Rights**

153. Plaintiff expressly reserves the right to supplement or amend this complaint, or both, as may be appropriate in light of further incidents of defamation or other acts that injure Vanessa, and knowledge of the identities of other individuals who may be liable to Vanessa, that may be uncovered through discovery in this action or otherwise.

**WHEREFORE**, Plaintiff Vanessa Dennis demands judgment:

- A. Permanently and preliminarily enjoining and restraining defendant Marie Napoli, and the other defendants, from defaming Vanessa or attempting to injure her in any way.
- B. Enjoining Marie Napoli to transmit retraction letters, texts, e-mail, posts, or other communications to all the recipients of her defamatory and injurious communications about Vanessa.
- C. Awarding compensatory and exemplary damages, against all defendants, in amounts to be determined at the trial of this action, but not less than the aggregate amount of one million dollars.
- D. On the Tenth Cause of Action, for Prima Facie Tort, for damages against all defendants, in an amount to be determined at the trial of this action, but not less than \$ \_\_\_\_\_.
- E. Awarding plaintiff her costs and legal expenses, including, without limitation, reasonable attorneys' fees.
- F. Awarding such other and further relief as the Court shall deem just, equitable, and proper.

**DRAFT**  
8/13/2014

Dated: New York, New York  
August , 2014

Law Offices of Clifford James

By: \_\_\_\_\_  
Clifford James

260 Madison Avenue, 17th Floor  
New York, NY 10016-2401  
212.532.6333

Daly & Black, P.C.  
John Black, Esq.  
2211 Norfolk Street, Suite 800  
Houston, TX 77098  
(713) 655-1405

Reynolds Frizzell LLP  
Drew Pennebaker, Esq.  
1100 Louisiana, Suite 3500  
Houston, TX 77002  
(713) 485-7200

*Attorneys for Plaintiff Vanessa Dennis*

**DRAFT**