

Supreme Court of the State of New York
County of NEW YORK

HATIXBE BAJRUSHI, INDIVIDUALLY, AND AS
THE NATURAL PARENT OF INFANT GANI BAJRUSHI,

Plaintiff(s)

against

THE TRUMP ORGANIZATION, INC., MATTHEW
CALAMARI, JAMES GRAU, DOMINIC PEZZA AND
MICHAEL NICOLE,

Defendant(s)

Index No.
Date purchased 128881

Plaintiff(s) designate(s)
NEW YORK
County as the place of trial.

The basis of the venue is
PLAINTIFFS' RESIDENCE

Summons

Plaintiff(s) reside(s) at
200 E. 69th Street,
New York, NY 10021
County of NEW YORK

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, New York, NY
November 29, 1995

Jonathan Marks, P.C.
Attorney(s) for Plaintiff

Defendant's address:

Office and Post Office Address

See Annexed Rider

350 Fifth Avenue
Suite 7912
New York, NY 10118
(212) 947-0909

Notice: The nature of this action is
see annexed verified complaint.

The relief sought is see annexed verified complaint.

FILED

DEC 07 1995
COUNTY CLERK'S OFFICE
NEW YORK

RIDER TO SUMMONS

TRUMP ORGANIZATION, INC.
725 FIFTH AVENUE
NEW YORK, NY 10022

MATTHEW CALAMARI
725 FIFTH AVENUE
NEW YORK, NY 10022

JAMES GRAU
200 E. 69TH STREET
NEW YORK, NY 10021

DOMINIC PEZZA
C/O TRUMP ORGANIZATION, INC.
725 FIFTH AVENUE
NEW YORK, NY 10022

MICHAEL NICOLE
C/O TRUMP ORGANIZATION, INC.
725 FIFTH AVENUE
NEW YORK, NY 10022

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

-----X
HATIXBE BAJRUSHI, INDIVIDUALLY, AND AS
THE NATURAL PARENT OF INFANT GANI
BAJRUSHI,

Index #

VERIFIED
COMPLAINT

Plaintiffs,

-against-

95128881

THE TRUMP ORGANIZATION, INC.,
MATTHEW CALAMARI, JAMES GRAU,
DOMINIC PEZZA AND MICHAEL NICOLE,

Defendants.

-----X

PARTIES

1. At all times set forth herein plaintiff Hatixbe Bajrushi ("Tina Bajrushi") was and is an individual residing at 200 E. 69th Street, New York, NY 10021. She is the natural mother of infant-plaintiff Gani Bajrushi.
2. At all times set forth herein infant-plaintiff Gani Bajrushi (d.o.b. 12/31/82) was and is an individual residing at 200 E. 69th Street, New York, NY 10021.
3. Upon information and belief, at all times set forth herein, defendant Trump Organization, Inc. ("Trump Organization"), was and is a corporation organized under New

York State Law, with a principal place of business at 725 Fifth Avenue, New York, NY 10022. Upon information and belief, the business activities of Trump Organization, at all times set forth herein, included the management of a condominium apartment building known as Trump Palace located at 200 E. 69th Street, New York, NY 10021 ("Trump Palace"). Further, upon information and belief, Trump Organization owned all units within 200 E. 69th Street, prior to their sale.

4. Upon information and belief, at all times set forth herein, defendant Matthew Calamari ("Calamari") was and is an individual residing at 725 Fifth Avenue, New York, NY 10022. Upon information and belief, at all times set forth herein, Calamari was and is a Vice President of defendant Trump Organization, in charge of security for all properties owned and managed by Trump Organization.

5. Upon information and belief, at all times set forth herein, defendant James Grau ("Grau"), was and is an individual residing at 200 E. 69th Street, New York, NY 10021. Upon information and belief, Grau is Donald Trump's brother-in-law. Upon information and belief, Donald Trump was and is the chief executive officer of Trump Organization.

6. Upon information and belief, at all times set forth herein, defendant Dominic Pezza ("Pezza"), was and is employed in defendant Trump Organization's security division.

7. Upon information and belief, at all times set forth herein, defendant Michael Nicole ("Nicole"), was and is an employee in defendant Trump Organization's security division.

FACTUAL BACKGROUND

8. From April 1991 through September 22, 1995, Daut ("Bob") Bajrushi was the superintendent of Trump Palace. At all times set forth herein, Daut Bajrushi was and is the husband of plaintiff Tina Bajrushi, and the natural father of infant-plaintiff Gani Bajrushi.

9. While he was superintendent, Bob Bajrushi maintained an office in the basement of Trump Palace ("the superintendent's office").

10. Bob Bajrushi was scheduled to appear at a meeting of the Board of Directors of Trump Palace on September 27, 1995 ("the Board Meeting").

11. On or about September 18, 1995, Bob Bajrushi advised a supervisory level employee of Trump Organization that at the scheduled Board Meeting, he would advise board members of improprieties concerning Trump Organization's management of Trump Palace. Such improprieties included, but were not limited to, Trump Organization's requiring Trump Palace employees to perform punch list work in units owned by Trump Organization, when they were

being paid by Trump Palace and should have been working in the common areas of the building.

12. Upon information and belief, the amount owed by Trump Organization to Trump Palace as a result of the improper utilization of Trump Palace employees to perform punch list work is over \$300,000.

13. On September 22, 1995, Bob Bajrushi was admitted to Lenox Hill Hospital with chest pains.

14. On September 22, 1995, while in the hospital, Bob Bajrushi asked his wife, Tina Bajrushi, to go the superintendent's office to retrieve certain personal items, as he did not know how long he would be hospitalized.

15. Thereafter, at or about 4:00 P.M. Tina Bajrushi and infant-plaintiff Gani Bajrushi entered the superintendent's office.

16. At or about 4:10 P.M., while Tina Bajrushi and Gani Bajrushi were present in the superintendent's office, defendant Nicole forcibly entered the Office, by using a screwdriver to pry the door open.

17. Upon entering the superintendent's office, Nicole announced that Tina Bajrush and Gani Bajrush could not leave.

18. Tina Bajrush and Gani Bajrush thereafter attempted to walk out, but Nicole pushed them back, without privilege, consent or justification. Nicole admonished Tina Bajrush and Gani Bajrush not to try to leave again. Gani Bajrush started to cry.

19. Shortly after Nicole broke into the superintendent's office, defendants Calamari, Grau, and Pezza entered.

20. Immediately upon arriving, Grau approached Tina Bajrush and without privilege, consent or justification pushed her on the shoulder, and said "What are you doing here?"

21. Without privilege, consent or justification, defendant Calamari pushed and yelled at Gani Bajrush. Calamari also pushed Tina Bajrush.

22. Tina Bajrush fainted.

23. Defendants Calamari, Grau, Nicole and Pezza, blocked the door, preventing Tina Bajrush and Gani Bajrush from leaving the superintendent's office for approximately one and one-half hour.

24. Defendant Grau grabbed and opened Tina Bajrushhi's purse, and passed it around for Calamari, Nicole and Pezza to look at -- without Tina Bajrushhi's consent.

25. During the course of the foregoing false imprisonment, Bob Bajrushhi telephoned his wife. Tina Bajrushhi, speaking in Albanian, told him that she and Gani were being held against their will by the defendants and were being harassed.

26. Thereafter, Bob Bajrushhi telephoned a third party, and requested that he call the police.

27. Approximately one and one-half hour after the foregoing false imprisonment began, the police arrived at the superintendent's office.

28. Immediately before the police entered, defendant Calamari threatened Tina Bajrushhi and Gani Bajrushhi with harm if they said anything to the police.

PLAINTIFFS' FIRST CAUSE OF ACTION
{BASED UPON FALSE IMPRISONMENT}

29. Plaintiffs repeat each of the foregoing allegations, thereby incorporating such allegations into this Cause of Action by reference.

30. Defendants Calamari, Grau, Pezza, and Nicole, acting in concert, intended to confine Tina Bajrushi and Gani Bajrushi in the superintendent's office on September 22, 1995.
31. Tina Bajrushi and Gani Bajrushi were conscious of their confinement.
32. Tina Bajrushi and Gani Bajrushi did not consent to the subject confinement.
33. The confinement of Tina Bajrushi and Gani Bajrushi was not otherwise privileged.
34. By reason of the foregoing, defendants Calamari, Grau, Pezza, and Nicole falsely imprisoned Tina Bajrushi and Gani Bajrushi.
35. At all times set forth herein, defendants Calamari, Pezza and Nicole were acting within the course of their employment with defendant Trump Organization. At all times set forth herein, defendant Grau was acting as an agent on behalf of Trump Organization.
36. Specifically, Calamari, Pezza, Nicole and Grau broke into the superintendent's office and unlawfully detained Tina Bajrushi and Gani Bajrushi to deter Bob Bajrushi from disclosing the Trump Organization's financial improprieties to the Trump Palace Board.

37. Defendant Trump Organization is liable for the false imprisonment complained of herein under the doctrine of *respondeat superior*.

38. As a direct and proximate result of the false imprisonment complained of in this Cause of Action, Tina Bajrushi and Gani Bajrushi have experienced great shock, shame, humiliation, fear, emotional distress, and physical manifestations of emotional distress and psychiatric bills -- in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable counsel fees.

PLAINTIFFS' SECOND CAUSE OF ACTION
{BASED UPON THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS}

39. Plaintiffs repeat each of the foregoing allegations, thereby incorporating such allegations into this Cause of Action by reference.

40. Defendants Calamari, Pezza, Nicole and Grau, acting in concert, and with the intent of causing severe mental distress -- and/or with reckless disregard that their conduct would cause severe mental distress -- conducted themselves towards plaintiff HatixBe Bajrushi and infant-plaintiff Gani Bajrushi in a manner so shocking and outrageous that it exceeded all reasonable bounds of decency.

41. Such shocking and outrageous conduct entailed the foregoing physical abuse, threats and confinement of a 12 year old child (Gani) and his mother (Hatixbe).

42. Accordingly, defendants Calamari, Pezza, Nicole and Grau have committed the tort of the intentional infliction of emotional distress -- against plaintiff Hatixbe Bajrushhi and infant-plaintiff Gani Bajrushhi.

43. Defendant Trump Organization is liable for the foregoing intentional infliction of emotional distress under the doctrine of *respondeat superior*.

44. As a direct and proximate result of the intentional infliction of emotional distress complained of in this Cause of Action, Tina Bajrushhi and Gani Bajrushhi have experienced great shock, shame, humiliation, fear, emotional distress, and physical manifestations of emotional distress and psychiatric bills -- in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable attorney's fees.

PLAINTIFFS' THIRD CAUSE OF ACTION
{BASED UPON ASSAULT AND BATTERY}

45. Plaintiffs repeat each of the foregoing allegations, thereby incorporating such allegations into this Cause of Action by reference.

contact (see paragraph 18).

47. Defendant Calamari, acting in concert with defendants Nicole, Grau and Pezza, acting in a hostile and offensive manner touched Tina Bajrushhi and Gani Bajrushhi without their consent and with the intention of causing harmful, offensive bodily contact (see paragraph 21).

48. Defendant Grau, acting in concert with defendants Nicole, Calamari and Pezza, acting in a hostile and offensive manner touched Tina Bajrushhi without her consent and with the intent of causing harmful, offensive bodily contact (see paragraph 20).

49. At all times during the foregoing confinement of Tina Bajrushhi and Gani Bajrushhi in the superintendent's office, defendants Nicole, Calamari, Grau and Pezza had the real and/or apparent ability to cause imminent harmful offensive bodily contact, and did acts threatening plaintiff and the infant-plaintiff (see paragraphs 17, 18, 20, 21, 23), which caused them apprehension of having harmful and offensive bodily contact made.

50. By reason of the foregoing, defendants Nicole, Calamari, Grau and Pezza are liable to plaintiff Tina Bajrushhi and infant-plaintiff Gani Bajrushhi for the torts of battery and assault.

46. Defendant Nicole, acting in a hostile and offensive manner touched Tina Bajrushhi and Gani Bajrushhi without their consent and with the intention of causing harmful, offensive bodily contact (see paragraph 18).

47. Defendant Calamari, acting in concert with defendants Nicole, Grau and Pezza, acting in a hostile and offensive manner touched Tina Bajrushhi and Gani Bajrushhi without their consent and with the intention of causing harmful, offensive bodily contact (see paragraph 21).

48. Defendant Grau, acting in concert with defendants Nicole, Calamari and Pezza, acting in a hostile and offensive manner touched Tina Bajrushhi without her consent and with the intent of causing harmful, offensive bodily contact (see paragraph 20).

49. At all times during the foregoing confinement of Tina Bajrushhi and Gani Bajrushhi in the superintendent's office, defendants Nicole, Calamari, Grau and Pezza had the real and/or apparent ability to cause imminent harmful offensive bodily contact, and did acts threatening plaintiff and the infant-plaintiff (see paragraphs 17, 18, 20, 21, 23), which caused them apprehension of having harmful and offensive bodily contact made.

50. By reason of the foregoing, defendants Nicole, Calamari, Grau and Pezza are liable to plaintiff Tina Bajrushhi and infant-plaintiff Gani Bajrushhi for the torts of battery and assault.

51. Defendant Trump Organization is liable for the foregoing assaults and batteries under the doctrine of *respondeat superior*.

52. As a direct and proximate result of the assaults and batteries complained of in this Cause of Action, Tina Bajrushi and Gani Bajrushi have experienced great shock, shame, humiliation, fear, emotional distress, and physical manifestations of emotional distress and psychiatric bills -- in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable attorney's fees.

PLAINTIFFS' FOURTH CAUSE OF ACTION
{BASED UPON *PRIMA FACIE* TORTS}

53. Plaintiffs repeat each of the foregoing allegations, thereby incorporating such allegations into this Cause of Action by reference.

54. Defendants Nicole, Calamari, Grau and Pezza, acting in concert, intentionally inflicted harm upon plaintiffs by committing the foregoing acts and omissions.

55. The foregoing intentional harm proximately caused plaintiffs to suffer special damages -- *to wit*, psychiatric bills.

56. The foregoing intentionally harmful acts were committed without excuse or justification.

57. Defendant Trump Organization is liable for the foregoing *prima facie torts* under the doctrine of *respondeat superior*.

58. As a direct and proximate result of the *prima facie torts* complained of in this Cause of Action, Tina Bajrushi and Gani Bajrushi have experienced great shock, shame, humiliation, fear, emotional distress, and physical manifestations of emotional distress and psychiatric bills -- in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable attorney's fees.

WHEREFORE, PLAINTIFFS DEMAND JUDGMENT:

1. On the First Cause of Action, money judgment in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable counsel fees.

2. On the Second Cause of Action, money judgment in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable counsel fees.

3. On the Third Cause of Action, money judgment in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable counsel fees.

4. On the Fourth Cause of Action, money judgment in an amount exceeding this Court's jurisdictional limit, together with punitive damages, interest, costs, disbursements and reasonable counsel fees.

5. Together with such further and different relief deemed just and appropriate by this Court.

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Suite 7912
New York, NY 10118
(212) 947-0909

Dated: New York, NY
November 28, 1995

