

Plaintiff(s)

THOMAS COLE

against

WORLD WRESTLING FEDERATION ET.AL

Defendant(s)

AFFIDAVIT OF SERVICE

Index No.: 01164/93

Date Filed:

Attorney File No.:

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

BRADLEY RUDA

being duly sworn, deposes and says: that deponent is not a party to

this action, is over 18 years of age and resides in New York State.

That on JUNE 17 19 93 at 4:35 p .M. at c/o PRENTICE HALL CORP., 15 COLUMBUS CIRCLE, NEW YORK, NY

deponent served the within summons and complaint

upon TITAN SPORTS, INC.

the defendant(s) therein named.

INDIVIDUAL

1.

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2.

a domestic corporation by delivering a true copy of each to MAXINE FORBES, general agent personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant.

SUITABLE

AGE PERSON

3.

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling house—usual place of abode—within the state.

AFFIXING TO

DOOR

4.

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling house—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called thereon.

OTHER

5.

by delivering a true copy of each to said defendant by leaving thereat personally with who is duly authorized to accept thereof.

MAILING

use with 3 or 4

I deposited in the U.S. Mails a true copy of same properly enclosed and sealed in a post-paid wrapper addressed to said defendant at the aforementioned address, in an envelope marked Personal and Confidential, the last known address of said defendant(s).

DESCRIPTION


Deponent describes person served as aforesaid to the best of deponent's ability at the time and circumstances of service as follows: female, black, black hair, 40 yrs, 5'8", 160 lbs


MILITARY SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn to before me on JUNE 18 1993

  
STUART J. FORMAN  
Notary Public, State of New York  
No. 31-4828240  
Qualified in New York County  
Commission Expires June 30, 1995

  
BRADLEY RUDA 865 708  
License Number \_\_\_\_\_

EUGENE FORMAN  
Notary Public, State of New York  
No. 43-4640587  
Qualified in Richmond County  
Commission Expires October 31, 1994

11  
30

THOMAS COLE

Plaintiff(s)

against

NY

WORLD WRESTLING FEDERATION, ET AL

Defendant(s)

AFFIDAVIT OF SERVICE

Index No.: 01164/93

Date Filed:

Attorney File No.:

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

BRAD RUDA

being duly sworn, deposes and says: that deponent is not a party to

this action, is over 18 years of age and resides in New York State.

That on JUNE 23, 19 93 at 3:15 p.M. at 757 Third Avenue, Room 1902, New York, NY

deponent served the within summons and complaint

upon WORLD WRESTLING FEDERATION

the defendant(s) therein named,

INDIVIDUAL 1.  by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION 2.  a domestic corporation by delivering a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant.

SUITABLE AGE PERSON 3.  by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling house—usual place of abode—within the state.

AFFIXING TO DOOR 4.  by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling house—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called thereon,

OTHER 5.  by delivering a true copy of each to said defendant by leaving thereat personally with John Howard, GENERAL SALES MANAGER, who is duly authorized to accept thereof.


MAILING use with 3 or 4  I deposited in the U.S. Mails a true copy of same properly enclosed and sealed in a post-paid wrapper addressed to said defendant at the aforementioned address, in an envelope marked Personal and Confidential, the last known address of said defendant(s).

DESCRIPTION  Deponent describes person served as aforesaid to the best of deponent's ability at the time and circumstances of service as follows: male, white, blonde hair, 5'11, 200 Lbs, 40 Yrs.

MILITARY SERVICE  I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn to before me on JUNE 24, 199 3

  
BRAD RUDA

License Number 685-708

STUART J. FORMAN  
Notary Public, State of New York  
No. 31-4828240  
Qualified in New York County  
Commission Expires June 30, 1993

EUGENE FORMAN  
Notary Public, State of New York  
No. 43-4640587  
Qualified in Richmond County  
Commission Expires October 31, 1994

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ONEIDA

93 01164

THOMAS COLE,

Plaintiff,

-vs-

SUMMONS

WORLD WRESTLING FEDERATION, TITAN SPORTS,  
INC., d/b/a TITAN SPORTS ENTERPRISES, TERRY  
GARVIN, MEL PHILLIPS and PAT PATTERSON,  
(individually and as employees of the  
defendant business entities),

Defendants.

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is completed if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is the place of residence of the plaintiff.

Dated: May 24, 1992

ANTONIO FAGA, ESQ.  
ATTORNEY FOR PLAINTIFF  
OFFICE AND POST OFFICE ADDRESS  
ONE HOPPER STREET  
UTICA, NY 13501  
(315) 797-6990

FILED

1993 MAY 25 PM 2:16

CLERK

ONEIDA COUNTY

McGILLIEN

SUPREME COURT  
STATE OF NEW YORK

COUNTY OF ONEIDA

THOMAS COLE,

Plaintiff,

COMPLAINT

vs.

93 01164

WORLD WRESTLING FEDERATION, TITAN SPORTS,  
INC., d/b/a TITAN SPORTS ENTERPRISES, TERRY  
GARVIN, MEL PHILLIPS and PAT PATTERSON  
(individually and as employees of the  
defendant business entities),

Index No.:  
RJI No.:

Defendants.

FILED

1993 MAY 25 PM

ONEIDA COUNTY  
CLERK

Plaintiff, THOMAS D. COLE, by his attorney Antonio Faga, Esq., as and for his complaint, alleges as follows:

1. Plaintiff resides at 11 Briarcliff Ave, Whitesboro, NY 13492.
2. Upon information and belief, defendant Titan Sports, Inc. ("Titan") is a Delaware corporation authorized to do business in the State of New York, having offices at 757 Third Avenue, New York, New York.
3. Upon information and belief, defendant World Wrestling Federation ("WWF") at all times hereinafter mentioned was and now is a wholly owned corporate subsidiary of Titan, having offices at 757 Third Avenue, New York, New York.
4. Defendants Titan and the WWF, (sometimes referred to herein as the "corporate defendants"), are

and at all times herein were engaged in, among other things, televised professional wrestling in, among other places, New York State.

5. On information and belief, at all times mentioned herein defendants Terry Garvin, Mel Phillips, and Pat Patterson, (sometimes referred to herein as the "individually defendants"), were officers or managerial employees (or both) of the WWF in charge of wrestlers ring crews.

6. WWF employed plaintiff as a ring-boy and set-up person from 1985 until February 1990. Promises which defendants Garvin and Phillips made to plaintiff that he would have career opportunities as a ring-announcer at the WWF induced plaintiff to forego academic education beyond the ninth grade and other vocations to pursue career opportunities offered by the WWF.

7. Plaintiff's duties required him to travel several times per month, usually for extended periods of time, to various exhibition halls in, among other places, New York City.

8. During his tenure with the WWF, plaintiff, like other young co-employees known to him, endured on-going sexual harassment in the form of unwelcome, homosexual solicitation by defendants Mel Phillips and Pat Patterson, among others.

9. When plaintiff was beyond the age of 16 and

until the termination of his employment, Phillips would at times attempt such conduct, which plaintiff rebuffed.

10. Defendant Terry Garvin also regularly harassed plaintiff by unwelcome, homosexual overtures made to him during the performance of his duties while plaintiff was "on premises" at various arenas including those in New York City.

11. On at least two occasions, in or about 1988 and 1990, at the age of 16 and 19, respectively, plaintiff was subjected to intense sexual harassment and unwelcome homosexual solicitation by defendant Garvin to engage in immediate sexual activity with him following matches at which plaintiff had worked.

12. On the day of the second such incident, in or about February 1990, and in the presence of Phillips, Garvin informed plaintiff, and plaintiff agreed, that plaintiff was to be promoted to a full-time position as a warehouse manager of a WWF facility, effective immediately.

13. Later in the evening of that same day plaintiff was subjected to overt and insistent homosexual solicitation by defendant Garvin to engage therewith in homosexual activity, which plaintiff rebuffed. Garvin thereafter refused to take plaintiff home until the next morning, when Garvin drove plaintiff to the warehouse.

14. Later that day at the warehouse, where

plaintiff had been working, defendant Phillips informed plaintiff that plaintiff's employment with the WWF was terminated forthwith, pursuant to the order of defendant Garvin.

15. When plaintiff complained to Phillips that his termination had been brought about solely as the result of his refusal to succumb to Garvin's sexual advances, Phillips concurred in plaintiff's accusation. Defendant Phillips also made clear that the matter was one between plaintiff and Garvin and that Phillips would not intervene.

16. Plaintiff subsequently pleaded with Garvin for work of any kind. Garvin categorically refused to give him work, although there were many jobs to be done.

17. Upon information and belief, defendants Garvin, Phillips, and Patterson have openly and with the knowledge of their employers engaged in a widely known pattern of such sexual harassment for a period of at least several years with respect to other employees, many of whom are or were below the age of majority. On information and belief, these actions were known to and condoned by Titan and WWF.

18. The foregoing acts of defendants constitute unlawful sexual harassment and discrimination against plaintiff in violation of New York Executive Law Section 296 and Section 8-107 of the New York City Administrative

Code.

19. The sexual harassment practiced by defendants Phillips, Garvin, and Patterson against plaintiff and the termination of his employment was morally culpable, willful, malicious and intentional, and was carried out by the individual and corporate defendants with knowledge of its illegality.

20. The unlawful harassment of plaintiff, resulting in the termination of his employment and the loss of future employment as a warehouse manager and potentially as a ring announcer, in contemplation of which plaintiff was induced to forego his academic education after the ninth grade and other vocational opportunities in pursuit of a career with the WWF, has caused plaintiff to suffer damages.

21. The harassing and illegal acts of the aforesaid defendants, as set forth above, offended, humiliated and tended to degrade plaintiff and have caused plaintiff to suffer severe mental and emotional damage.

22. The acts of the aforesaid defendants, directed against plaintiff while he was a minor, and the pattern and practice of such behavior by defendants against other minors similarly situated, involved gross, moral turpitude and wanton disregard of the health and safety of a minor, warranting imposition of punitive damages.



AS AND FOR A SECOND CAUSE OF ACTION

23. On information and belief, on March 13, 1992, plaintiff by his then attorneys, the Jacob D. Fuchsberg Law Firm (the "Fuchsberg Firm"), presented a summons and complaint to Titan containing claims against the defendants herein.

24. On April 8, 1992, plaintiff signed an agreement with Titan (the "Cole/Titan Agreement") which provided, among other things, that Titan would not ask plaintiff to give interviews, make statements, or otherwise appear on behalf of WWF with respect to the circumstances and claims raised in the March 1992 complaint, and that Titan would pay plaintiff the amount of \$55,000 (primarily representing back salary), re-employ plaintiff, and provide plaintiff the opportunity to do ring announcing and, if qualified, be given regular ring announcing jobs. Also on April 8, 1992, plaintiff signed a companion agreement among Titan, the Fuchsberg Firm and himself (the "Fuchsberg/Titan/Cole Agreement") which provided, among other things, that Titan would pay the Fuchsberg Firm \$82,535.00 for its fees for representing plaintiff.

25. Titan has not provided plaintiff with any ring announcing opportunities and repeatedly has asked plaintiff to make public comment to deny the substance of the claims raised in the March 1992 Complaint, thereby breaching its agreement with plaintiff.

AS AND FOR A THIRD CAUSE OF ACTION

26. Subsequent to March 13, 1992, officials of Titan and WWF summoned plaintiff to their offices and asked him to sign a statement highly critical of plaintiff's brother, who had been criticizing Titan and WWF publicly. The statement contained false allegations about plaintiff's brother.

27. When plaintiff refused the repeated importuning of the officials of Titan and WWF, he attempted to leave the premises. Employees of Titan or WWF (or both) physically prevented plaintiff from leaving the building, refused his request to leave, and forced him to return to the meeting with the Titan and WWF officials.

28. In fear for his safety and in order to secure his own release from confinement, plaintiff signed the statement about his brother.

29. The actions of Titan and WWF constituted a false imprisonment of plaintiff.

WHEREFORE, plaintiff demands judgment in his favor against all defendants in the amount of \$750,000 and punitive damages with respect to his first cause of action, against the corporate defendants in the amount of \$750,000 with respect to his second cause of action, and against the corporate defendants in the amount of \$100,000 with respect to the third cause of action, and for such other relief the Court deems proper.

DATED: May 6, 1993

ANTONIO FAGA, ESQ.  
Attorney for Plaintiff  
1 Hopper Street  
Utica, NY 13501

STATE OF NEW YORK     )  
                                  )     ss.:  
COUNTY OF ONEIDA     )

*Thomas Cole* being duly sworn, deposes and says:  
deponent is the plaintiff in the within action; deponent  
has read the foregoing Complaint and knows the contents  
thereof; the same is true to deponent's own knowledge,  
except as to the matters therein stated to be alleged  
upon information and belief, and as to those matters  
deponent believes it to be true.

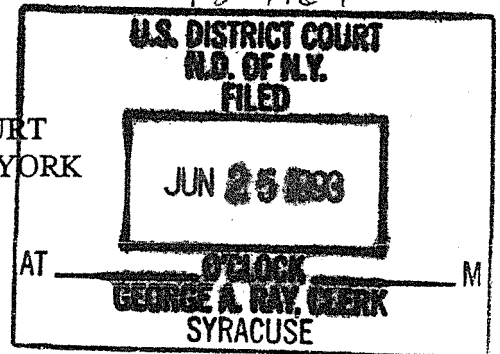
*Thomas Cole*

Sworn to before me this 24<sup>th</sup>  
day of May, 1993

*Antonio Faga*  
Notary Public

**ANTONIO FAGA**  
**Notary Public in the State of New York**  
**Appointed in Oneida County**  
**My Commission Expires Nov. 30, 1994**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK



THOMAS COLE,  
Plaintiff,

v.

THE WORLD WRESTLING FEDERATION,  
TITAN SPORTS, INC., d/b/a  
TITAN SPORTS ENTERPRISES, TERRY  
GARVIN, MEL PHILLIPS and  
PAT PATTERSON (individually and  
as employees of the defendant  
business entities),

Defendants.

NOTICE OF REMOVAL

Civil Action No.

93 -CV- 839 FJS  
JUDGE SCULLIN, JR.  
MAGISTRATE JUDGE DIBIANCO

TO: CLERK  
United States District Court  
Northern District of New York  
100 South Clinton Street  
Syracuse, New York 13260

CLERK  
New York State Supreme Court  
Oneida County  
Oneida County Courthouse  
Utica, New York 13501

Antonio Faga, Esquire  
One Hopper Street  
Utica, New York 13501

(P)

Petitioners, The World Wrestling Federation (the "WWF"), Titan Sports, Inc. d/b/a Titan Sports Enterprises ("Titan"), Terry Garvin ("Garvin"), Mel Phillips ("Phillips") and Pat Patterson ("Patterson"), pursuant to 28 U.S.C. §1446, respectfully petition this Honorable Court for the removal of this action from the New York State Supreme Court, Oneida County, New York, to the United States District Court for the Northern District of New York, and as grounds for said removal, state as follows:

#### PENDING STATE ACTION

1. On or about May 25, 1993, Thomas Cole ("Cole") filed a Complaint in the New York State Supreme Court, Oneida County. A true and correct copy of said Complaint is attached hereto and incorporated as Exhibit "A."

2. The Complaint names petitioners as Defendants. See Exhibit "A." Petitioner Titan was served with the Complaint on June 22, 1993. To date, none of the other Petitioners have been formally served with the Complaint.

3. Accordingly, Petitioners' time to seek removal of this action pursuant to 28 U.S.C. §1446 has not expired.

#### DIVERSITY OF THE PARTIES

4. Plaintiff Cole is an individual and alleges that he is a resident of Oneida County, New York. See Exhibit "A." Accordingly, upon information and belief, Cole is a citizen of New York.

5. Petitioner Titan is a Delaware corporation with its principal place of business located in Stamford, Connecticut. Accordingly, Titan is a citizen of Delaware and

Connecticut. Titan's business endeavors include the promotion and marketing of professional wrestling under the auspices of the WWF. Thus, the WWF and Titan are one and the same.

6. Petitioner Garvin is an individual and citizen of the state of Connecticut.

7. Petitioner Phillips is an individual and citizen of the Commonwealth of Pennsylvania.

8. Petitioner Patterson is an individual and citizen of the state of Connecticut.

9. There is complete diversity between Plaintiff and Petitioners pursuant to 28 U.S.C. §1332 because Petitioners, Titan/WWF/Titan Sports Enterprises, Garvin, Patterson and Phillips are citizens of Delaware, Connecticut and/or Pennsylvania, as set forth above, and Plaintiff, upon information and belief, is a citizen of New York.

#### BASIS FOR REMOVAL

10. This removal is of right pursuant to 28 U.S.C. §§ 1441 and 1446.

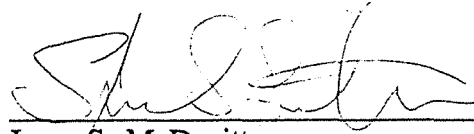
#### JURISDICTION

11. The underlying state action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332. The amount in controversy exceeds \$50,000.00, exclusive of interest and costs. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §1441(a).

WHEREFORE, Petitioners, Titan Sports, Inc. d/b/a The World Wrestling Federation, Terry Garvin, Mel Phillips and Pat Patterson respectfully request that this action be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

Dated: June 25, 1993

KIRKPATRICK & LOCKHART



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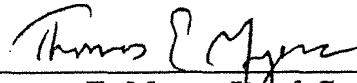
Jerry S. McDevitt  
George B. Foster  
Steven S. Santoro

Pro Hac Vice Admissions Pending

1500 Oliver Building  
Pittsburgh, PA 15222  
(412) 355-6500

and

BOND, SCHOENECK & KING



---

Thomas E. Myers, Local Counsel  
N.Y. Bar I.D. #102250

18th Floor, One Lincoln Center  
Syracuse, NY 13202-1355  
(315) 422-0121

Attorneys for Petitioners  
TITAN SPORTS, INC. d/b/a THE  
WORLD WRESTLING FEDERATION



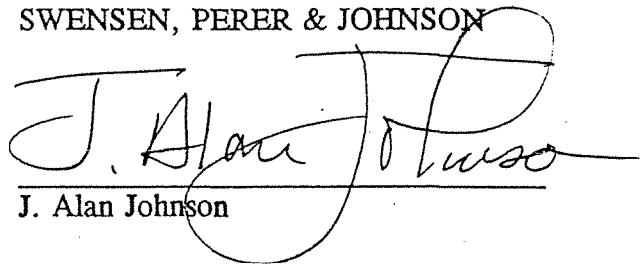
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TERRY GARVIN, Pro Se

50 Big Horn Road  
Shelton, CT 06484  
(203) 929-9910



SWENSEN, PERER & JOHNSON

A handwritten signature in black ink, appearing to read "J. Alan Johnson". The signature is written in a cursive style with a large, looping initial "J" and "H".

J. Alan Johnson

2710 Two Oliver Plaza  
Pittsburgh, PA 15222  
(412) 281-1970

Pro Hac Vice Admission Pending

Attorneys for Petitioner,  
MEL PHILLIPS



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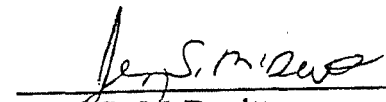
PAT PATTERSON, Pro Se

9 Moorehouse Lane  
Norwalk, CT 06854  
(203) 838-3445

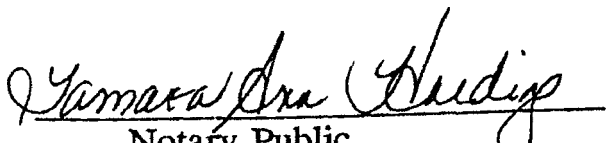
COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF ALLEGHENY )

I, JERRY S. McDEVITT, counsel for Petitioners, The World Wrestling Federation and Titan Sports, Inc. d/b/a Titan Sports Enterprises, having been duly sworn under oath, do hereby depose and say as follows:

The amount in controversy at the action subject to the within Petition for Removal exceeds the sum of \$50,000.00, exclusive of interest and costs.

  
\_\_\_\_\_  
Jerry S. McDevitt

SWORN to and  
SUBSCRIBED  
before me this  
23rd day of June, 1993.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Notarial Seal  
Tamara Ann Harding, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires May 5, 1994  
Member, Pennsylvania Association of Notaries

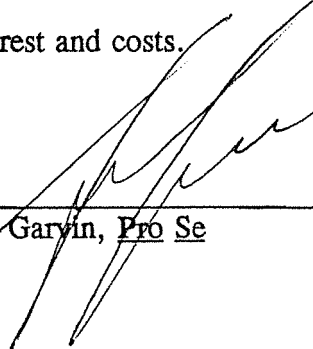
STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

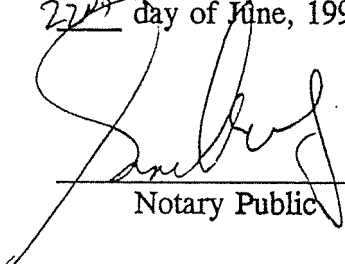
)  
) SS: NORWALK  
)

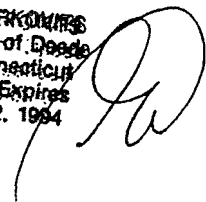
I, TERRY GARVIN, appearing pro se in the within Petition for Removal, having been duly sworn under oath, do hereby depose and say as follows:

The amount in controversy at the action subject to the within Petition for Removal exceeds the sum of \$50,000.00, exclusive of interest and costs.

  
\_\_\_\_\_  
Terry Garvin, Pro Se

SWORN to and  
SUBSCRIBED  
before me this  
22<sup>nd</sup> day of June, 1993.

  
\_\_\_\_\_  
Notary Public

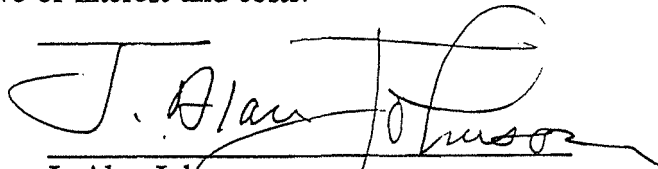
GEORGE MARKOWITZ  
Commissioner of Deeds  
State of Connecticut  
Commission Expires  
November 22, 1994  


My Commission Expires:

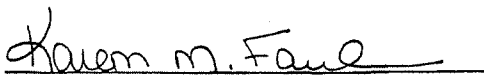
COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF ALLEGHENY )

I, J. Alan Johnson, counsel for Petitioner, Mel Phillips, having been duly sworn under oath, do hereby depose and say as follows:

The amount in controversy at the action subject to the within Petition for Removal exceeds the sum of \$50,000.00, exclusive of interest and costs.

  
\_\_\_\_\_  
J. Alan Johnson

SWORN to and  
SUBSCRIBED  
before me this  
24<sup>th</sup> day of June, 1993.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Notarial Seal  
Karen M. Faul, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires April 14, 1997  
Member, Pennsylvania Association of Notaries


STATE OF CONNECTICUT

COUNTY OF FAIRFIELD


)  
) SS:  
)

I, PAT PATTERSON, appearing pro se in the within Petition for Removal, having been duly sworn under oath, do hereby depose and say as follows:

The amount in controversy at the action subject to the within Petition for Removal exceeds the sum of \$50,000.00, exclusive of interest and costs.

  
Pat Patterson, Pro Se

SWORN to and  
SUBSCRIBED  
before me this  
22<sup>nd</sup> day of June, 1993.

  
Notary Public

ELIZABETH M. DIFABIO  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
MARCH 31, 1994

My Commission Expires:

A

SUPREME COURT  
STATE OF NEW YORK COUNTY OF ONEIDA

THOMAS COLE,

Plaintiff,

COMPLAINT

vs.

93 (1164

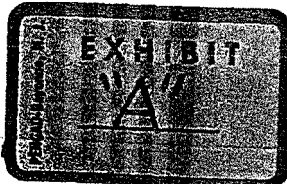
WORLD WRESTLING FEDERATION, TITAN SPORTS,  
INC., d/b/a TITAN SPORTS ENTERPRISES, TERRY . . . Index No.:  
GARVIN, MEL PHILLIPS and PAT PATTERSON . . . RJI No.:  
(individually and as employees of the  
defendant business entities),

Defendants.

FILED  
ONEIDA COUNTY  
CLERK  
MAY 25 PM '93

Plaintiff, THOMAS D. COLE, by his attorney Antonio Faga, Esq., as and for his complaint, alleges as follows:

1. Plaintiff resides at 11 Briarcliff Ave, Whitesboro, NY 13492.
2. Upon information and belief, defendant Titan Sports, Inc. ("Titan") is a Delaware corporation authorized to do business in the State of New York, having offices at 757 Third Avenue, New York, New York.
3. Upon information and belief, defendant World Wrestling Federation ("WWF") at all times hereinafter mentioned was and now is a wholly owned corporate subsidiary of Titan, having offices at 757 Third Avenue, New York, New York.
4. Defendants Titan and the WWF, (sometimes referred to herein as the "corporate defendants"), are





and at all times herein were engaged in, among other things, televised professional wrestling in, among other places, New York State.

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7. Plaintiff's duties required him to travel several times per month, usually for extended periods of time, to various exhibition halls in, among other places, New York City.

8. During his tenure with the WWF, plaintiff, like other young co-employees known to him, endured on-going sexual harassment in the form of unwelcome, homosexual solicitation by defendants Mel Phillips and Pat Patterson, among others.

9. When plaintiff was beyond the age of 16 and

until the termination of his employment, Phillips would at times attempt such conduct, which plaintiff rebuffed.

10. Defendant Terry Garvin also regularly harassed plaintiff by unwelcome, homosexual overtures made to him during the performance of his duties while plaintiff was "on premises" at various arenas including those in New York City.

11. On at least two occasions, in or about 1988 and 1990, at the age of 16 and 19, respectively, plaintiff was subjected to intense sexual harassment and unwelcome homosexual solicitation by defendant Garvin to engage in immediate sexual activity with him following matches at which plaintiff had worked.

12. On the day of the second such incident, in or about February 1990, and in the presence of Phillips, Garvin informed plaintiff, and plaintiff agreed, that plaintiff was to be promoted to a full-time position as a warehouse manager of a WWF facility, effective immediately.

13. Later in the evening of that same day plaintiff was subjected to overt and insistent homosexual solicitation by defendant Garvin to engage therewith in homosexual activity, which plaintiff rebuffed. Garvin thereafter refused to take plaintiff home until the next morning, when Garvin drove plaintiff to the warehouse.

14. Later that day at the warehouse, where

plaintiff had been working, defendant Phillips informed plaintiff that plaintiff's employment with the WWF was terminated forthwith, pursuant to the order of defendant Garvin.

15. When plaintiff complained to Phillips that his termination had been brought about solely as the result of his refusal to succumb to Garvin's sexual advances, Phillips concurred in plaintiff's accusation. Defendant Phillips also made clear that the matter was one between plaintiff and Garvin and that Phillips would not intervene.

16. Plaintiff subsequently pleaded with Garvin for work of any kind. Garvin categorically refused to give him work, although there were many jobs to be done.

17. Upon information and belief, defendants Garvin, Phillips, and Patterson have openly and with the knowledge of their employers engaged in a widely known pattern of such sexual harassment for a period of at least several years with respect to other employees, many of whom are or were below the age of majority. On information and belief, these actions were known to and condoned by Titan and WWF.

18. The foregoing acts of defendants constitute unlawful sexual harassment and discrimination against plaintiff in violation of New York Executive Law Section 296 and Section 8-107 of the New York City Administrative

Code.

19. The sexual harassment practiced by defendants Phillips, Garvin, and Patterson against plaintiff and the termination of his employment was morally culpable, willful, malicious and intentional, and was carried out by the individual and corporate defendants with knowledge of its illegality.

20. The unlawful harassment of plaintiff, resulting in the termination of his employment and the loss of future employment as a warehouse manager and potentially as a ring announcer, in contemplation of which plaintiff was induced to forego his academic education after the ninth grade and other vocational opportunities in pursuit of a career with the WWF, has caused plaintiff to suffer damages.

21. The harassing and illegal acts of the aforesaid defendants, as set forth above, offended, humiliated and tended to degrade plaintiff and have caused plaintiff to suffer severe mental and emotional damage.

22. The acts of the aforesaid defendants, directed against plaintiff while he was a minor, and the pattern and practice of such behavior by defendants against other minors similarly situated, involved gross, moral turpitude and wanton disregard of the health and safety of a minor, warranting imposition of punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION

23. On information and belief, on March 13, 1992, plaintiff by his then attorneys, the Jacob D. Fuchsberg Law Firm (the "Fuchsberg Firm"), presented a summons and complaint to Titan containing claims against the defendants herein.

24. On April 8, 1992, plaintiff signed an agreement with Titan (the "Cole/Titan Agreement") which provided, among other things, that Titan would not ask plaintiff to give interviews, make statements, or otherwise appear on behalf of WWF with respect to the circumstances and claims raised in the March 1992 complaint, and that Titan would pay plaintiff the amount of \$55,000 (primarily representing back salary), re-employ plaintiff, and provide plaintiff the opportunity to do ring announcing and, if qualified, be given regular ring announcing jobs. Also on April 8, 1992, plaintiff signed a companion agreement among Titan, the Fuchsberg Firm and himself (the "Fuchsberg/Titan/Cole Agreement") which provided, among other things, that Titan would pay the Fuchsberg Firm \$82,535.00 for its fees for representing plaintiff.

25. Titan has not provided plaintiff with any ring announcing opportunities and repeatedly has asked plaintiff to make public comment to deny the substance of the claims raised in the March 1992 complaint, thereby breaching its agreement with plaintiff.

AS AND FOR A THIRD CAUSE OF ACTION

26. Subsequent to March 13, 1992, officials of Titan and WWF summoned plaintiff to their offices and asked him to sign a statement highly critical of plaintiff's brother, who had been criticizing Titan and WWF publicly. The statement contained false allegations about plaintiff's brother.

27. When plaintiff refused the repeated importuning of the officials of Titan and WWF, he attempted to leave the premises. Employees of Titan or WWF (or both) physically prevented plaintiff from leaving the building, refused his request to leave, and forced him to return to the meeting with the Titan and WWF officials.

28. In fear for his safety and in order to secure his own release from confinement, plaintiff signed the statement about his brother.

29. The actions of Titan and WWF constituted a false imprisonment of plaintiff.

WHEREFORE, plaintiff demands judgment in his favor against all defendants in the amount of \$750,000 and punitive damages with respect to his first cause of action, against the corporate defendants in the amount of \$750,000 with respect to his second cause of action, and against the corporate defendants in the amount of \$100,000 with respect to the third cause of action, and for such other relief the Court deems proper.

DATED: May 6, 1993

ANTONIO FAGA, ESQ.  
Attorney for Plaintiff  
1 Hopper Street  
Utica, NY 13501

STATE OF NEW YORK     )  
                              )    SS.:  
COUNTY OF ONEIDA    )

*Thomas Cole* being duly sworn, deposes and says:  
deponent is the plaintiff in the within action; deponent  
has read the foregoing Complaint and knows the contents  
thereof; the same is true to deponent's own knowledge,  
except as to the matters therein stated to be alleged  
upon information and belief, and as to those matters  
deponent believes it to be true.

*Thomas Cole*

Sworn to before me this 24<sup>th</sup>  
day of May, 1993

*Antonio Faga*  
Notary Public

ANTONIO FAGA  
Notary Public in the State of New York  
Appointed in Oneida County  
My Commission Expires Nov. 30, 1994

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ONEIDA

93 01164

THOMAS COLE,

Plaintiff,

-vs-

SUMMONS

WORLD WRESTLING FEDERATION, TITAN SPORTS,  
INC., d/b/a TITAN SPORTS ENTERPRISES, TERRY  
GARVIN, MEL PHILLIPS and PAT PATTERSON,  
(individually and as employees of the  
defendant business entities),

Defendants.

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is completed if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is the place of residence of the plaintiff.

Dated: May 24, 1992

ANTONIO FAGA, ESQ.  
ATTORNEY FOR PLAINTIFF  
OFFICE AND POST OFFICE ADDRESS  
ONE HOPPER STREET  
UTICA, NY 13501  
(315) 797-6990

FILED

MAY 25 PM 2:16

ONEIDA COUNTY  
CLERK

McFELLEN