

ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
NICHOLAS R. KAMPAROSYAN,  
TELEMAK E. KAMPAROSYAN,

Plaintiffs,

-against-

**CV 07 2691**  
07 Civ. \_\_\_\_\_

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

THE CITY OF NEW YORK;  
POLICE OFFICER MILTON RUSSI,  
SHIELD NO. 933306; POLICE OFFICER  
TERRENCE ROONEY, SHIELD NO. 929080;  
LIEUTENANT THOMAS LOEFFEL,  
SHIELD NO. 890371; STERLING METS L.P.;  
NEW YORK METS SECURITY GUARD  
KEVIN ANDERSON; NEW YORK METS  
SECURITY GUARD TREVOR "DOE";  
AND NEW YORK METS SECURITY GUARDS  
JOHN DOES # 1-8,

**AMON, J.**

**FILED SI**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

**REYES, M.J\*** JUL 03 2007 \*

BROOKLYN OFFICE

Defendants.  
-----X

Plaintiffs Nicholas Kamparosyan and Telemak Kamparosyan, by and through their attorneys, Emery Celli Brinckerhoff & Abady LLP, for their Complaint allege as follows:

**INTRODUCTION**

1. This is a civil rights action seeking damages for defendants' violations of plaintiffs' rights, privileges, and immunities under the United States Constitution, and the Civil Rights Act of 1871, 42 U.S.C. § 1983, the New York State Constitution, and New York State common law.

2. This case is about the wanton physical abuse of two brothers, Nicholas and Telemak Kamparosyan, at a New York Mets baseball game, by lawless security guards employed at Shea Stadium, and the subsequent false arrest of the brothers by members of the New York City Police Department ("NYPD") and the Mets security guards.

3. Plaintiffs Nicholas Kamparosyan and Telemak Kamparosyan are brothers, and employed businessmen.

4. On July 4, 2006, Plaintiffs were attending a New York Mets v. Pittsburgh Pirates baseball game at Shea Stadium. On that date, security guards employed at Shea Stadium brutally assaulted the Plaintiffs without any warning, provocation, or justification. Mets security guards and NYPD officers then conspired to cover up this senseless beating by arresting and detaining the Plaintiffs for more than 24 hours. All this was done without any prior warning from defendants and without any resistance or defense by the Plaintiffs.

5. In an effort to cover up their illegal attack on the Plaintiffs, defendants then fabricated criminal charges against the Kamparosyan brothers, launching a meritless criminal case against them that has required numerous court appearances. The bogus criminal charges against the Plaintiffs are currently pending.

6. As a result of the shameful and brutal beating and false arrest inflicted on the Plaintiffs by the New York Mets security guards and members of the NYPD, Nicholas and Telemak Kamparosyan suffered significant physical, emotional, and professional damages, and they are entitled to compensation.

#### THE PARTIES

7. Plaintiffs Nicholas Kamparosyan and Telemak Kamparosyan are citizens

of the United States and at all relevant times were residents of the County of Queens, State of New York.

8. Defendant City of New York ("the City") is a municipality organized and existing under the laws of the State of New York. At all times relevant hereto, the City, acting through the NYPD, was responsible for the policy, practice, supervision, implementation, and conduct of all NYPD matters and was responsible for the appointment, training, supervision, and conduct of all NYPD personnel. In addition, at all relevant times, the City was responsible for enforcing the rules of the NYPD, and for ensuring that the NYPD personnel obey the laws of the United States and of the State of New York.

9. At all times relevant hereto, defendant Milton Russi, shield number 933306, was a police officer of the NYPD, acting in the capacity of agent, servant, and employee of the City, and within the scope of his employment as such.

10. At all times relevant hereto, defendant Terrence Rooney, shield number 929080, was a police officer of the NYPD, acting in the capacity of agent, servant, and employee of the City, and within the scope of his employment as such.

11. At all times relevant hereto, defendant Lieutenant Thomas Loeffel, shield number 890371, was a lieutenant of the NYPD, acting in his capacity as agent, servant, and employee of the City, and within the scope of his employment as such.

12. Defendant Sterling Mets L.P., is a limited partnership organized and existing under the laws of the State of New York that owns the New York Mets, a Major League baseball team. At all times relevant hereto, Sterling Mets L.P., was responsible for the policy, practice, supervision, implementation, and conduct of all New York Mets matters and was

responsible for the appointment, training, supervision, and conduct of all security guards employed at Shea Stadium. In addition, at all relevant times, Sterling Mets L.P. was responsible for ensuring that security guards employed at Shea Stadium obey the laws of the United States and of the State of New York.

13. At all times relevant hereto, defendant Kevin Anderson was a security guard at Shea Stadium employed by and/or under the supervision of Sterling Mets L.P., acting in his capacity as agent, servant, and employee of Sterling Mets L.P., and within the scope of his employment as such.

14. At all times relevant hereto, defendant Trevor "Doe" was a security guard at Shea Stadium employed by and/or under the supervision of Sterling Mets L.P., acting in his capacity as agent, servant, and employee of Sterling Mets L.P., and within the scope of his employment as such. Plaintiffs do not currently know the last name of Trevor "Doe".

15. At all times relevant hereto, defendants John Doe # 1-8 were security guards at Shea Stadium employed by and/or under the supervision of Sterling Mets L.P., acting in their capacity as agents, servants, and employees of Sterling Mets L.P., and within the scope of their employment as such.

16. At all times relevant hereto, defendants Police Officer Milton Russi, Police Officer Terrence Rooney, Lieutenant Thomas Loeffel, Kevin Anderson, Trevor "Doe," and John Does # 1-8 (collectively "the Individual Defendants") were acting under the color of state law.

**JURISDICTION AND VENUE**

17. This action arises under the Fourth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1983 and 1988, Article 1, § 12 of the New York Constitution, and New York state common law.

18. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1367(a), and the doctrine of pendent jurisdiction.

19. The acts complained of occurred in the Eastern District of New York, and venue is lodged in this Court pursuant to 28 U.S.C. § 1391(b).

20. This action has been commenced within one year after the happening of the event upon which the claim is based.

**JURY DEMAND**

21. Plaintiffs demand trial by jury in this action.

**FACTUAL ALLEGATIONS**

22. Plaintiffs Nicholas Kamparosyan (“Nicholas”) and Telemak Kamparosyan (“Telemak”) are brothers who live with their parents in Forest Hills, Queens. Nicholas is 31 years old and is employed full-time as a salesman for Oracle USA Corporation. Telemak is 27 years old and is employed full-time as a salesman for the IBM Corporation. Nicholas and Telemak are both college graduates, and each brother has earned a masters degree.

23. On Tuesday, July 4, 2006, Nicholas and Telemak were attending a Mets game at Shea Stadium, County of Queens, New York. The game commenced at approximately 1pm. The Kamparosyan brothers were accompanied to the Mets game by Telemak’s girlfriend,

Nicole Stepanian and Nicole's 15 year old brother, Gregory Stepanian.

24. Nicholas arrived at the stadium slightly later than Telemak and his two friends because Nicholas had remained at home in order to prepare a barbeque dinner for the group to be enjoyed after the baseball game.

25. The Kamparosyan brothers and their two friends were seated in IBM corporate box seats. These seats are amongst the most desired and expensive seats in Shea Stadium, located at the field level and in the second row behind the Mets dug out. Telemak had obtained these four excellent box seats through his employer, IBM.

26. During the third inning, when there was a lull in the ball game, Nicholas and Telemak decided to take a few photographs in order to commemorate the family baseball outing and the happy mood of the day.

27. Nicholas took one photograph of Telemak and Nicole, and Telemak in turn photographed Nicholas, with the baseball field in the background.

28. Pursuant to the official information posted on the Mets website, fans are permitted to take photographs within Shea Stadium.

29. As Nicholas and Telemak took a few snapshots of each other while standing up in their seats, defendant Trevor "Doe," a uniformed Mets security guard who had been seated in a seat nearby watching the game, angrily yelled at the Plaintiffs to sit down.

30. Nicholas and Telemak quickly finished taking their photographs and sat down in their assigned seats, telling defendant Trevor "Doe" to "relax."

31. For the next three innings, defendant Trevor "Doe" continued to verbally harass the Plaintiffs, without any justification, muttering curses at the Plaintiffs under his breath

and glaring in their direction. Defendant Trevor "Doc" then demanded to see the Plaintiffs' tickets for their box seats, which the Plaintiffs immediately produced for his inspection.

32. Having confirmed that Plaintiffs were properly seated in seats to which they were assigned, defendant Trevor "Doe" continued to mutter curses and act erratically towards the Plaintiffs. Defendant Trevor "Doe"'s harassment made the Plaintiffs uncomfortable and fearful for their safety.

33. After several innings of this harassing behavior and inappropriate foul language by defendant Trevor "Doe," Telemek politely requested to speak to Trevor "Doe"'s security supervisor.

34. Defendant Trevor "Doe" initially refused to summon his supervisor. Finally, following Telemek's second or third request to speak with a supervisor, defendant Trevor used his radio to call someone.

35. Shortly thereafter, another security guard, defendant John Doe #1, appeared at the Plaintiffs' seats.

36. Defendant Trevor "Doe" demanded to see the Plaintiffs' tickets for a second time, which they again produced and displayed.

37. John Doe # 1 did not identify himself as a supervisor. Instead, John Doe # 1 demanded that the Plaintiffs accompany him to another location in order to speak to the supervisor. Although Nicholas queried why the supervisor could not come to their seats, John Doe # 1 told the brothers, in sum or substance, that "It's better if you come up here with us."

38. Nicholas and Telemek voluntarily left their assigned seats, and followed defendants Trevor "Doe" and John Doe # 1 up the stairs to the tunnel leading to the concession

stand.

39. Without provocation or reason, defendant Trevor repeatedly pushed Telemak from behind as they walked up the stairs and said in a threatening tone: "Now you're gonna see."

40. In the tunnel area, Nicholas and Telemak were immediately surrounded by a group of approximately ten Mets security guards, including defendant Trevor, defendant Anderson and defendants John Doe # 1-8 (collectively "the Security Guard Defendants").

41. Nicholas and Telemak calmly addressed a man who they believed to be the supervisor; they informed him that defendant Trevor had been harassing them for no reason throughout the baseball game. Telemak was holding an ice cream cone as he complained to the supervisor. Defendant Trevor complained to the man that the Plaintiffs had taken two photographs.

42. Nicholas and Telemak heard the Security Guard Defendants discuss taking the brothers to "the back."

43. The Security Guard Defendants then said to Nicholas and Telemak, in sum or substance, "Follow us." Nicholas and Telemak calmly asked where they were being escorted; they were fearful that they were being taken to a private area where they might be harmed.

44. Throughout this interaction, Nicholas and Telemak continued to act in a peaceful manner; Telemak was still holding an ice cream cone and Nicholas was holding a camera. The brothers stated calmly that they did not want to leave a public area and preferred to speak with the supervisor in a public place.

45. The Security Guard Defendants then shouted to Plaintiffs: "You are



leaving now or we'll have you arrested." Without giving the Plaintiffs a moment to respond to this new threat, defendant John Doe # 3 forcefully grabbed Nicholas by the shoulder and punched him from behind.

46. Without warning, provocation, or justification, the Security Guard Defendants repeatedly pulled at and punched Nicholas on his arms and body, and then threw him to the ground.

47. Defendant John Doe # 4 stamped on Nicholas's hand while Nicholas was holding a camera.

48. Defendant John Doe # 3 picked Nicholas up off the floor, grabbed Nicholas from behind and placed him in a choke hold. Defendant John Doe # 3 applied significant pressure to Nicholas's throat and neck, causing Nicholas to momentarily "black out."

49. The Security Guard Defendants continued to beat Nicholas, punching him in the ribs, kicking him, and attempting to pull away the camera in his hand.

50. As the Security Guard Defendants assaulted him, Nicholas repeatedly pleaded, "Don't touch me, you're hurting me."

51. Telemak stood nearby, witnessing this brutal assault upon his older brother.

52. Without warning, provocation, or justification, defendant John Doe # 6 then grabbed Telemak and punched him in the back of his head.

53. Defendant John Doe #7 stated to Nicholas, in sum or substance, "Take this beating like a man."

54. During this assault, defendant Lieutenant Loeffel arrived at the scene and

observed the Security Guard Defendants assaulting Nicholas and Telemak.

55. Telemak immediately informed defendant Lieutenant Loeffel that the Security Guard Defendants were assaulting his brother. Defendants Lieutenant Loeffel failed to intervene and stop the illegal assault.

56. As a result of this assault, Nicholas suffered physical injuries, including, *inter alia*, lacerations, abrasions, bruising and pain to his neck, face, back, hands, arms and legs.

57. As a result of this assault, Telemak suffered physical injuries, including, *inter alia*, lacerations, abrasions, and pain to his back, neck and head.

58. When the Security Guard Defendants' assault on Nicholas and Telemak subsided, the Security Guard Defendants and defendant Licutenant Loeffel roughly escorted the Plaintiffs to a subterranean detention facility below Shea Stadium.

59. Nicholas and Telemak repeatedly informed defendant Lieutenant Loeffel, defendant Rooney, and defendant Russi ("the NYPD Defendants") that they had been assaulted by the Security Guards Defendants without cause or provocation, and they demanded to know why they were being detained. Nicholas was visibly injured and beaten.

60. In response, defendant Lieutenant Loeffel stated, in sum or substance, that the Plaintiffs were being arrested: "This has nothing to do with the police. When they say they want you arrested, you get arrested. . . . We are just doing the paperwork." Defendant Licutenant Loeffel stated, in sum or substance, that the NYPD had no discretion in this situation where the Mets security guards want a fan to be arrested.

61. Defendant Lieutenant Loeffel confiscated Nicholas and Telemak's tickets for the seats at the baseball game, which were never returned to them.

62. Defendant Lieutenant Loeffel then placed the brothers in holding cells and informed them that they would each be receiving a Desk Appearance Ticket ("DAT").

63. Defendant Russi demanded that the Plaintiffs sign a statement on Mets letterhead saying that they had engaged in wrongdoing. The Plaintiffs refused to sign this false statement.

64. Nicholas requested medical attention for his injuries; he was bleeding from his hand, experiencing severe neck pain, and his knee was injured.

65. Defendant Lieutenant Loeffel then informed the brothers that they would be taken to jail, and not issued DATs.

66. After multiple requests for medical attention, Nicholas was finally transported via ambulance from Shea Stadium (on a stretcher, while in handcuffs) to New York Hospital-Queens for treatment, accompanied by defendant Russi.

67. After being treated at New York Hospital-Queens, Nicholas was transported by defendant Russi to the 110<sup>th</sup> Precinct, where he was detained and held in a cell.

68. Telemak was transported directly from Shea Stadium to the 110<sup>th</sup> Precinct by defendant Rooney, where he was detained and held in a cell.

69. At approximately 10pm on the evening of July 4, 2006, Defendants Russi and Rooney transported Nicholas and Telemak to Queens Central Booking. Nicholas and Telemak then spent the night at Central Booking.

70. While at Central Booking on July 4, 2006, defendant Russi instructed Nicholas to sign a piece of paper, the top half of which was folded over to obscure its contents. Defendant Russi claimed that the paper was part of the standard booking procedure. Upon

closer examination, Nicholas discovered that the paper stated, in sum or substance: "I fell down and hurt my neck after hitting security guards." Nicholas refused to sign the paper.

71. Nicholas and Telemak were held at Central Booking for the entire day on July 5, 2006.

72. Nicholas and Telemak were initially charged with criminal trespass in the third degree, harassment in the second degree, and four different counts of disorderly conduct.

73. Defendant Kevin Anderson swore to a false and fabricated account of the events surrounding Telemak and Nicholas's arrest in a Supporting Deposition filed in Queens County Criminal.

74. Defendant Rooney swore to a false and fabricated account of the events surrounding Telemak's arrest in a Queens County Criminal Court Complaint.

75. Defendant Russi swore to a false and fabricated account of the events surrounding Nicholas's arrest in a Queens County Criminal Court Complaint.

76. These charges were knowingly and intentionally false and malicious.

77. Nicholas and Telemak were not arraigned until the evening of July 5, 2006 – almost 36 hours after they were assaulted by the Security Officer Defendants.

78. After being wrongfully imprisoned by defendants for approximately thirty-six (36 hours), Nicholas and Telemak were released on their own recognizance on July 5, 2006.

79. At no time during the events described above did defendants have probable cause or any reason whatsoever for the arrest and seizure of Nicholas or Telemak. At no time did Nicholas or Telemak assault, trespass, obstruct, or harass any defendant, or resist arrest or engage in disorderly conduct.

80. The NYPD defendants arrested and charged Nicholas and Telemak without bothering to determine whether probable cause existed, and instead acted solely on the fabricated allegations of the Security Guard Defendants.

81. Neither Nicholas nor Telemak consumed any alcohol on July 4, 2006.

82. Over the past year, Nicholas and Telemak have been forced to appear in criminal court on approximately eleven (11) occasions in order to defend themselves against the charges brought against him. Nicholas and Telemak have repeatedly been required to take time off from their jobs in order to repeatedly attend these court appearances.

83. The bogus charges pending from these events currently pending against Plaintiffs are for assault, criminal trespass in the third degree, disorderly conduct, harassment, and hitting a player or otherwise submitting a player to contact.

84. As a result of defendants' conduct described above, including in assaulting, restraining, falsely arresting, falsely imprisoning, and illegally searching Nicholas and Telemak, Nicholas and Telemak suffered serious physical and emotional injury, pain and suffering, emotional distress, mental anguish, humiliation and embarrassment.

85. The arrest and detention of Nicholas and Telemak lacked probable cause, and was done maliciously, falsely, and in bad faith. Defendants acted in wanton and reckless disregard for the rights of Nicholas and Telemak.

86. As a direct and proximate result of their unlawful assault, battery, false arrest, and false imprisonment, Nicholas and Telemak have suffered and/or continue to suffer physical pain and suffering, reputational injury, legal and medical expenses, psychological pain, suffering, and mental anguish, and other losses.

87. Nicholas and Telemak have also suffered professional harm in that they have each lost several specific and valuable job opportunities as a direct result of the incident alleged herein.

88. Sterling Mets L.P. knew or should have known that the Security Guard Defendants were prone to violence and were likely to engage in the use of unjustified physical force.

89. At all times relevant hereto, the Security Guard Defendants were acting within the scope of their employment by Sterling Mets L.P., and Sterling Mets L.P. is liable under respondeat superior for the Security Guard Defendants' conduct.

90. At all times relevant hereto, the Security Guard Defendants were acting under color of state law, as willful participants, engaged in joint activity with the NYPD defendants, and acted in concert with the NYPD defendants to effect an unlawful arrest and prosecution.

**FIRST CAUSE OF ACTION**  
42 U.S.C. § 1983  
(Against the Individual Defendants)

91. Plaintiffs repeat and reallege the foregoing paragraphs as if the same were fully set forth at length herein.

92. By arresting and imprisoning Nicholas and Telemak without probable cause, using excessive force, assaulting them, seizing them, searching them, imprisoning them, falsifying an account of the events surrounding the arrest and assault of Nicholas and Telemak upon which a criminal complaint was based, making false statements under oath in the criminal

court complaint against Nicholas and Telemak , and failing to take steps to intercede and protect Nicholas and Telemak from such treatment, the Individual Defendants deprived Plaintiffs of rights, remedies, privileges, and immunities guaranteed to every citizen of the United States, in violation of 42 U.S.C. § 1983, including, but not limited to, rights guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

93. In addition, the Individual Defendants conspired among themselves to deprive Plaintiffs of their constitutional rights secured by 42 U.S.C. § 1983 and by the Fourth and Fourteenth Amendments to the United States Constitution, and took numerous overt steps in furtherance of such conspiracy, as set forth above.

94. Defendants acted under pretense and color of state law and in their individual and official capacities and/or within the scope of their respective employments as NYPD officers and officers for Sterling Mets, L.P.. Said acts by the Defendants were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said Defendants acted willfully, knowingly, and with the specific intent to deprive Plaintiffs of their constitutional rights secured by 42 U.S.C. § 1983, and by the Fourth and Fourteenth Amendments to the United States Constitution.

95. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiffs sustained the damages herein before alleged.

**SECOND CAUSE OF ACTION**  
New York State Constitution, Art. I, § 12  
(Against All Defendants)

96. Plaintiffs repeat and reallege the foregoing paragraphs as if the same were

fully set forth at length herein.

97. By arresting and imprisoning Nicholas and Telemak without probable cause, using excessive force, assaulting them, seizing them, searching them, imprisoning them, falsifying an account of the events surrounding the arrest and assault of Nicholas and Telemak upon which a criminal complaint was based, making false statements under oath in the criminal court complaint against Nicholas and Telemak, and failing to take steps to intercede and protect Nicholas and Telemak from such treatment, the Individual Defendants deprived Plaintiffs of rights, remedies, privileges, and immunities guaranteed to every New Yorker by Article I, § 12 of the New York Constitution.

98. In addition, the Individual Defendants conspired among themselves to deprive Plaintiffs of their constitutional rights secured by Article I, § 12 of the New York Constitution, and took numerous overt steps in furtherance of such conspiracy, as set forth above.

99. The Individual Defendants acted under pretense and color of state law and in their individual and official capacities and within the scope of their respective employments as NYPD officers and officers for Sterling Mets, L.P.. Said acts by the Individual Defendants were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said Individual Defendants acted willfully, knowingly, and with the specific intent to deprive Plaintiffs of their constitutional rights secured by Article I, § 12 of the New York Constitution.

100. Defendants, their officers, agents, servants, and employees were responsible for Plaintiffs' deprivation of their state constitutional rights. The City, as the employer of each of the NYPD Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.



101. Sterling Mets L.P., as the employer of the Security Guard Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

102. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiffs sustained the damages hereinbefore alleged.

**THIRD CAUSE OF ACTION**

Assault and Battery  
(Against All Defendants)

103. Plaintiffs repeat and reallege the foregoing paragraphs as if the same were fully set forth at length herein.

104. Defendants, acting within the scope of their employment, intentionally, willfully, and maliciously assaulted Plaintiffs in that they had the real or apparent ability to cause imminent harmful and/or offensive bodily contact and intentionally did violent and/or menacing acts which threatened such contact to Plaintiffs, and that such act(s) caused apprehension of such contact in Plaintiffs.

105. Defendants, acting within the scope of their employment, intentionally, willfully, and maliciously battered Plaintiffs when they, in a hostile and/or offensive manner, struck Plaintiffs without their consent, and with the intention of causing harmful and/or offensive bodily contact to Plaintiffs.

106. The City, as the employer of each of the NYPD Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

107. Sterling Mets L.P., as the employer of the Security Guard Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

108. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiffs sustained the damages hereinbefore alleged.

**FOURTH CAUSE OF ACTION**  
False Arrest and False Imprisonment  
(Against All Defendants)

109. Plaintiffs repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

110. By the actions described above, the Defendants falsely arrested, falsely imprisoned and detained Nicholas and Telemak without reasonable or probable cause, illegally and without a warrant, and without any right or authority to do so. The acts and conduct of defendants were the direct and proximate cause of injury and damage to Nicholas and Telemak and violated their common law rights guaranteed to them by the laws of the State of New York.

111. The City, as the employer of each of the NYPD Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

112. Sterling Mets L.P., as the employer of the Security Guard Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

113. As a direct and proximate result of the misconduct and abuse of authority detailed above, Plaintiffs sustained the damages hereinbefore alleged.

**FIFTH CAUSE OF ACTION**  
Negligence  
(Against All Defendants)

114. Plaintiffs repeat and reallege the foregoing paragraphs as if the same were fully set forth at length herein.

115. Defendants owed a duty of care to Plaintiffs.

116. Defendants breached that duty of care by assaulting, attacking, and beating Plaintiffs with extreme force, and by failing to provide prompt and appropriate medical care.

117. As a direct and proximate result of this unlawful conduct, Plaintiffs sustained the damages hereinbefore alleged.

118. All of the foregoing occurred without any fault or provocation by Plaintiffs.

119. The City, as the employer of the NYPD Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

120. Sterling Mets L.P., as the employer of the Security Guard Defendants, is responsible for their wrongdoing under the doctrine of respondent superior.

**SIXTH CAUSE OF ACTION**  
Negligent Hiring and Retention of  
Employment Services  
(Against the City and the New York Mets)

121. Plaintiffs repeat and reallege the foregoing paragraphs as if the same were fully set forth at length herein.

122. The City, through the NYPD, owed a duty of care to Plaintiffs to prevent the physical and mental abuse sustained by Plaintiffs. Under the same or similar circumstances, a reasonable, prudent, and careful person would have anticipated that an injury to Plaintiffs or to those in a like situation would probably result from this conduct.

123. Sterling Mets L.P. owed a duty of care to Plaintiffs to prevent the physical and mental abuse sustained by Plaintiffs. Under the same or similar circumstances, a reasonable,

prudent, and careful person would have anticipated that an injury to Plaintiffs or to those in a like situation would probably result from this conduct.

124. Upon information and belief, the Individual Defendants were unfit and incompetent for their positions as police officers and/or security guards.

125. Upon information and belief, the City and Sterling Mets L.P. knew or should have known through the exercise of reasonable diligence that the Individual Defendants were dangerous.

126. Upon information and belief, the City's and Sterling Mets L.P.'s negligence in hiring, training and retaining the Individual Defendants proximately caused Plaintiffs' injuries.

127. Upon information and belief, because of the City's and Sterling Mets L.P.'s negligent hiring and retention of the aforementioned Individual Defendants, Plaintiffs incurred significant and lasting physical, mental, and professional injuries.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as follows:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages;
- c. Reasonable attorneys' fees and costs under 42 U.S.C. § 1988;
- d. Such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
July 3, 2007

EMERY CELLI BRINCKERHOFF  
& ABADY LLP

By: 

Katherine Rosenfeld (KR 8525)  
Matthew D. Brinckerhoff (MB 3552)  
Ilann M. Maazel (IM 5724)

75 Rockefeller Plaza, 20th Floor  
New York, New York 10019  
(212) 763-5000

*Attorneys for Plaintiffs*  
*Nicholas Kamparosyan and Telemek Kamparosyan*