

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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MIKE PELLERITO, VICTOR GORELICK, DEBBIE
MONSERRATE, JIM PAGET, JONATHAN GRAY
and DAVID FELICIANO,

VERIFIED COMPLAINT

Index No.

Plaintiffs,

-against-

NANCY SILBERKLEIT,

Defendant.

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Plaintiffs, by and through their Attorneys, Feerick Lynch MacCartney, PLLC, respectfully allege upon information and belief as and for their Complaint against the Defendant as follows:

PARTIES

1. At all times relevant herein, Plaintiff MIKE PELLERITO, is and was a resident of the County of Westchester, State of New York and is an Employee of Archie Comics Publication, Inc. ("Archie Comics").
2. At all times relevant herein, Plaintiff VICTOR GORELICK, is and was a resident of the County of Westchester, State of New York and is an Employee of Archie Comics.
3. At all times relevant herein, Plaintiff DEBBIE MONSERRATE, is and was a resident of the County of Putnam, State of New York and is an Employee of Archie Comics.
4. At all times relevant herein, Plaintiff JIM PAGET, is and was a resident of the County of Westchester, State of New York and is an Employee of Archie Comics.
5. At all times relevant herein, Plaintiff JONATHAN GRAY, conducts business in the County of Westchester, State of New York and is an Employee of Archie Comics.

6. At all times relevant herein, Plaintiff DAVID FELICIANO, conducts business in the County of Westchester, State of New York and is an Employee of Archie Comics.

7. At all times relevant herein, Defendant NANCY SILBERKLEIT (“Defendant”), was a resident of the County of Westchester State of New York and is the Co-Chief Executive Officer of Archie Comics. Defendant is being sued individually herein.

VENUE AND JURISDICTION

8. This Court has jurisdiction over this claim for monetary damages and other relief.

9. Venue is proper pursuant to § 503 of the Civil Practice Law and Rules, because the acts and transactions complained of occurred and continue to occur in the County of Westchester and this County is where Plaintiffs designed venue to be. Defendant also resides in this County.

INTRODUCTION

10. Archie Comics is an American iconic publication in existence since 1939. In a destructive, deceitful and deliberate manner, Defendant seeks, as set forth herein, her self-promotion as the effective “Dictator” over Archie Comics or in default of that, the demise of this iconic publication in American culture.

11. Plaintiffs respectfully submit that any continued association by Defendant with Archie Comics will result in its complete collapse. Therefore, Plaintiffs, as Employees of Archie Comics, have initiated this litigation only as a last resort and effort to save Archie Comics from the downfall that will result from Defendant’s continued involvement in any way with the publication of Archie Comics.

12. Plaintiffs respectfully submit that no part of this Complaint is lodged against the Co-CEO Jon Goldwater and Archie Comics itself. Both Co-CEO Goldwater and Archie Comics

have been extraordinary in efforts to maintain a positive, productive, and pleasant work environment for all Plaintiffs and others associated with Archie Comics.

13. Rather, the continued destructive, dangerous, and at times deranged behavior of Defendant requires further Court intervention take place to save Archie Comics from complete destruction.

14. While World War II, the Korean War, the Vietnam War, and the Wars in Iraq and Afghanistan did not stop the publication of Archie Comics, the war-like attitude and approach of Defendant may destroy Archie Comics unless this Court intervenes.

15. Archie Comics, through its main characters, Archie Andrews and Betty Cooper, demonstrate a positive relationship on all issues, including gender where both are well-intentioned and care deeply for the well-being of others, always ready to help others with their problems.

16. The many other characters in Archie Comics present themselves in many positive and negative aspects involving all parts of life.

17. Despite this wonderful comic background involving Archie Comics, there is nothing comical about Defendant working at Archie Comics.

18. In fact, Defendant's conduct at Archie Comics has brought sadness not only to those working there, but even to visitors to Archie Comics. For example, a young and very sick girl from the Ronald McDonald House, whose hair was falling out, asked for – and was given – a Betty wig by Plaintiff Employees. When Defendants learned of this generous and kindhearted act by Plaintiffs, she became enraged and tragically accused this very young and very sick girl of “stealing Betty's wig”.

19. Defendant is a dangerous, deceitful, deceptive, and discriminatory individual. Defendant uses any and every weapon available (including gender) to promote herself above all others at Archie Comics.

20. This is evidenced by a Surrogates' Court Proceeding in Westchester County, New York, where Defendant's incredible testimony about not knowing of changes in her late Husband's Will and Codicil which benefitted Defendant alone, was noted by the Surrogate.

21. This further demonstrated through the actions of her friend of forty (40) years, Samuel J. Levitin, who Defendant hand-picked to be her Co-Trustee and serve as a liaison with Archie Comics. Mr. Levitin sued seeking to remove her as a Co-Trustee because of her gross misconduct.

22. Defendant's conduct at Archie Comics has even been recognized by Supreme Court Justice Kornreich of New York County in a related case, who specifically stated that if the Defendant remains at Archie Comics:

The company (Archie Comics) would probably be destroyed, which she (the Defendant) does not seem to care . . .

23. Plaintiffs are Employees of Archie Comics who seek to stop Defendant's dangerous and damaging course of conduct against Archie Comics through this litigation.

24. All Plaintiff Employees ("Plaintiff Employees") have suffered through a substantial and prolonged campaign by Defendant of degradation, discrimination, and denial of Plaintiff Employees' fundamental rights.

25. This litigation is a final opportunity for Plaintiff Employees to protect their rights, stop Defendant's deranged conduct, and to help preserve Archie Comics as an American iconic publication which has survived World Wars, but may not endure Defendant's disturbing action.

BACKGROUND OF ARCHIE COMICS
BEFORE DEFENDANT WAS EMPLOYED THERE

26. There is no dispute that Archie Comics is an iconic American publication.

27. Founded in 1939 by Maurice Coyne, Louis Silberkleit, and John L. Goldwater as an entity known as MLJ Magazines, this Company commenced publication in its early days and continued uninterrupted throughout many decades as a beloved American Comic publication.

28. The development of Archie Comics continued when Louis Silberkleit passed on his interest in Archie Comics to his son Michael Silberkleit. Likewise, it continued when John L. Goldwater passed on his interests in Archie Comics to his son, Richard Goldwater, and then to Jon Goldwater.

29. The characters in Archie Comics are well-known to millions of people. Archie Andrews, Betty Cooper, Veronica Lodge, Reggie Mantle, Jughead Jones, Cheryl Blossom, Moose Mason, Midge Klump, Dilton Doiley, Ethel Muggs, Chuck Clayton, Nancy Woods, Kevin Keller, Pop Tate, and others are beloved comic figures.

30. There is now a new character unfortunately in Archie Comics who is this dangerous, devious, and deceitful Defendant who seeks to advance her own personal agenda by utilizing a discriminatory and deranged manner in dealing with others at Archie Comics, especially through the use of gender as her personal weapon of choice, where Defendant's gender gives her all the rights, but none of the responsibilities, that anyone else truly advancing civil rights causes would require.

31. While characters in the Comic Family of Archie Comics have been previously referenced earlier in this Complaint, the interest of this litigation concerns the real life Families involved in Archie Comics.

32. Michael Silberkleit, before his death, had been stalked by a Teaching Assistant with no business experience whatsoever named Nancy Lind. This stalker is Defendant.

33. The initial introduction by this Defendant into the real life Archie Comics Family is telling.

34. The first contact that anyone in Archie Comics had with Defendant before she married the late Michael Silberkleit occurred when Defendant traveled to Archie Comics, where the late Michael Silberkleit worked at that time.

35. Defendant began screaming and loudly banging on the outside door of Archie Comics Headquarters yelling to Michael Silberkleit (who she believed was present at Archie Comics Headquarters): **"Let me in you son of a bitch, I'm pregnant and you better take responsibility."**

36. This ranting and raving by Defendant went on for awhile until Defendant learned that the late Michael Silberkleit was not present at Archie Comics that evening. Only then did Defendant cease and desist her aggressive and agitated activity outside the door of Archie Comics.

37. Eventually, the late Michael Silberkleit and Defendant were purportedly married. Before Defendant worked at Archie Comics, she exerted a negative influence on others at Archie Comics by her criticism of work that the late Michael Silberkleit brought back from the office to home.

38. For example, the Archie Comics Team developed a certain story-line approach agreed to by all within Archie Comics. After this agreement at the office, the late Michael Silberkleit would take his work home, only to return with criticism of that work which had been agreed to by all at Archie Comics for months.

39. It was obvious that Defendant, even when not employed at Archie Comics, was undertaking efforts to divide Archie Comic Employees and sow seeds of disagreement and destruction at Archie Comics.

40. Nevertheless, as long as Defendant was not employed and not present at Archie Comics, the creative process continued, notwithstanding Defendant's actions outside Archie Comics.

41. At another time, when Defendant was not employed at Archie Comics, but visited its Headquarters, Defendant verbally accosted Employees at times using gender as her personal weapon of choice.

42. When Defendant was visiting the Archie Comics Headquarters before the death of her Husband (the late Michael Silberkleit), even though Defendant was not employed there, Defendant made sarcastic remarks to Employees at Archie Comics.

43. In one example of the demeaning and discriminatory conduct of Defendant toward Archie Comics Employees (again, even when Defendant was not employed there), when Defendant first met Plaintiff Debbie Monserrate, who was a valued Employee at Archie Comics, Defendant could not accept that a female would be welcomed into the Archie Comics Family.

44. Upon Defendant's first encounter with Plaintiff Debbie Monserrate, Defendant visibly proceeded to stare at said Plaintiff in a manner to extensively examine said Plaintiff's physical appearance and then sarcastically remarked to Plaintiff Monserrate, "**Oh, a pretty one.**" Defendant then immediately and rudely walked away from the encounter.

45. Defendant also made gender related caustic remarks about Plaintiff Monserrate's anatomy.

46. Defendant could not accept that a female with talent would be accepted equally at Archie Comics.

47. Therefore, Defendant used sarcastic remarks to suggest that any female (except Defendant) had no place of employment at Archie Comics. Thus, the gender of said Plaintiff became an employment issue for Defendant.

48. Notwithstanding Defendant's discriminatory and demeaning remarks to many Employees at Archie Comics, the peaceful, creative, and continued growth of Archie Comics occurred while Defendant was not employed there (notwithstanding her aforementioned visits to Archie Comics prior to Defendant's employment).

49. Upon Michael Silberkleit's death, however, the long tradition of peaceful, creative, and continued growth at Archie Comics abruptly halted when Defendant entered the picture.

**EVENTS AFTER MICHAEL SILBERKLEIT'S DEATH AND
THE EMPLOYMENT OF DEFENDANT AT ARCHIE COMICS**

50. The designing influence of Defendant on Michael Silberkleit and her eventual succession to his interests at Archie Comics is clear by events immediately before and then immediately after his death.

51. On August 5, 2008, after suffering a sudden, painful terminal illness, Michael Silberkleit died as a resident of Westchester County, New York.

52. Several weeks before his death and while terminally ill, on May 2, 2008, a Last Will and Testament was executed by Michael Silberkleit providing a new distribution of his Estate (and interest in Archie Comics) that was not surprisingly very favorably to Defendant.

53. Three days after that Last Will and Testament was executed, on May 5, 2008, the late Michael Silberkleit strangely executed in a backroom of hardware store a Codicil to the Will

with a law firm different than the law firm that drafted his Will only a few days before this Codicil to the Will benefitted Defendant even more.

54. This backroom of the hardware store Codicil substantially harmed the late Michael Siblekleit's children and resulted in Defendant being forced to compensate those children for Defendant's undue influence on the terminally ill Michael Siblekleit.

55. In more mischievous maneuvers by Defendant, after the late Michael Silberkleit's death, on March 26, 2009, Defendant executed an Employment Agreement with Archie Comics with the understanding she would add value to Archie Comics.

56. Unfortunately, Defendant's employment with Archie Comics became the trigger for outrageous and unreasonable conduct by Defendant now in the workplace, is more fully set forth herein.

57. Since her employment commenced with Archie Comics Defendant's outrageous conduct was increasingly intolerable for all Employees at Archie Comics.

58. After Defendant became employed at Archie Comics, Employees could not even greet Defendant at work without that greeting being a source of Defendant's irrational anger and reason for Defendant to seek termination of that Employee.

59. One morning, an Employee of Archie Comics pleasantly greeted Defendant.

60. This Employee of Archie Comics greeted Defendant by saying, "Hi." The Defendant immediately and derangely turned to Plaintiff Paget after that greeting and said, "You see, write that down, this Employee never greeted me." Plaintiff Paget responded to Defendant, "Yes Nancy, she did greet you so I cannot write down what is a lie." Defendant responded, "Well if she did greet me, it was sarcastic in tone. Write that down." This was obviously not true.

61. In yet another example of Defendant's outrageous conduct, in February of 2010, a key Employee, who handled critical Company functions, became ill. Those functions had to continue for Archie Comics to avoid a crisis that could result in the demise of the Company.

62. When this situation developed, Plaintiff Monserrate immediately undertook heroic employment activities to uncover what needed to be done. Plaintiff Monserrate performed those activities to prevent Archie Comics from entering into a crisis that Archie Comics may not have recovered from.

63. When other Archie Comics Management praised Plaintiff Monserrate for her outstanding activities, Defendant said nothing positive and instead began to focus on having Plaintiff Monserrate terminated from the Company because Plaintiff Monserrate was obviously an important asset as well as a female Employee whose presence thwarted the blind ambition of Defendant to control Archie Comics by using any tactic of choice, but especially gender as her favorite weapon.

64. As more fully set forth hereinafter, Defendant's use of gender as a weapon was demonstrated when she walked into an Archie Comics Business Meeting and pointed to four men and referenced them as "**penis, penis, penis, penis**" and then walked out.

65. This behavior of Defendant was so disturbing, disruptive, and dangerous that Archie Comics employed an Independent Human Resource Professional to undertake a factual investigation with regard to manifest and multiple concerns about the Defendant's employment behavior. All Plaintiff Employees participated in that investigation.

66. On June 24, 2011, this Human Resources Independent Professional issued a Report that is more fully described herein, but concluded as follow:

In is my recommendation, based on my investigation, that there is a serious problem in the Company and prompt action should be taken to correct the

situation. This conduct cannot be tolerated and in my opinion, Nancy (the Defendant) should no longer work at the ACP Archie Comics) offices and should have no further direct conduct ACP employees and vendors.

67. Based upon that Report and continued outrageous conduct of this Defendant, on July 7, 2011, Archie Comics commenced a law suit in New York County Supreme Court against Defendant regarding her manifest and multiple malevolent employment activities at Archie Comics.

68. On July 11, 2011, the Supreme Court, County of New York, issued a Temporary Restraining Order prohibiting Defendant from undertaking certain actions that were harmful to Employees at Archie Comics. This Court Order enjoined Defendant from:

. . . harassing, yelling at or abusing anyone at the Company's offices . . . , and "from contacting or otherwise communicating with the Company's vendors for any purpose whatsoever.

69. Yet, obeying a Supreme Court Order did not suit Defendant. Based upon continued improper conduct of Defendant during her employment with Archie Comics, on August 16, 2011, that Temporary Restraining Order was extended by the Supreme Court for the County of New York:

. . . to the extent of (A) stopping Defendant Ms. Silberkleit from harassing, yelling or abusing anyone. So I am leaving that part. I am also going to further direct that she only be permitted as co-CEO to deal with the specified matters as required by the contract of employment and nothing else; also, that she not contact or otherwise communicate with the company's employees in regard to anything but the specified matters and the vendors for any other purpose either.

70. On November 28, 2011, New York County Supreme Court eventually issued a Preliminary Injunction against Defendant, which was considerable in its scope. That Order enjoined Defendant from:

Harassing, yelling at or abusing anyone at the Archie Comics Publications' offices; engaging in any matters for the company

other than the Specified Matters required by the contract of employment; and/or contacting or otherwise communicating with the company's employees or vendors, other than Jon Goldwater, in regard to anything but the Specified Matters;

71. Notwithstanding the Court's Preliminary Injunction, Defendant's outrageous and deliberate conduct continued.

72. On December 22, 2011, an Order to Show Cause seeking to hold the Defendant in contempt for violating the Preliminary Injunction was filed.

73. Based upon continued misconduct by Defendant, Defendant was found after a hearing to be in contempt of Court and paid a fine as well as being required to reimburse Archie Comics' attorneys fees based upon Defendant's wrongful conduct.

"AS FAR AS I CAN SEE IF IN FACT (DEFENDANT) MS. SILBERKLEIT STAYS THE COMPANY (ARCHIE COMICS) WILL PROBABLY BE DESTROYED – WHICH SHE DOESN'T SEEM TO CARE"

74. Plaintiff Employees' Complaint is best summarized by the above-captioned words of Supreme Court Justice Kornreich after listening to sworn testimony concerning conduct involving this Defendant.

75. These independent judicial comments by an experienced Supreme Court Justice best exemplify what Plaintiff Employees have continued to encounter with Defendant who remains a Co-Chief Executive Officer of Archie Comics.

76. This Supreme Court Justice confirmed that Defendant "basically has no business background" at all and this questioned Defendant's temperament observing:

And as a result you find a situation where she (Nancy) demands the employees all the way up to the president who is in charge of all the editorial matters as well as the accountant, they have to constantly pander to her. She is constantly, according to the complaint and the affidavits - - and the affidavits shouldn't count for this motion to dismiss but do count for the preliminary injunction - - disrupting their work . . . (August 16, 2012 Hearing Transcript, at pp. 9:6-12 and 9:21 - 10:0).

77. Still, Supreme Court Justice Kornreich was not the only independent person to find conduct of this Defendant damaging and detrimental to Employees at Archie Comics.

78. An Independent Professional in Human Resources was retained twice by Archie Comics to conduct an investigation and determine the facts concerning Defendant's conduct. Twice the claims of gender discrimination by Defendant were soundly rejected.

79. That Independent Human Resource Professional (Myrna Sessa of HR Innovations, LLC) initially met with multiple Employees at Archie Comics, including Defendant, to conduct an investigation and provided all parties involved with an opportunity to present information concerning all employment activities at Archie Comics.

80. This Independent Human Resource Professional found:

Seven of the employees interviewed said they directly heard Nancy use the word "penis" in the office when referring to men. Specifically, Nancy was quoted as stated something to the effect of "look at all the penises in here" when she walked into a meeting in Jon's office a few months ago. One employee indicated that Nancy interrupted a meeting and pointed to each one of the four men in the meeting and said "penis, penis, penis, penis" and then walked out. Two employees reported Nancy looking at a magazine pitch, pointing to men's names and referring to each as a "penis." At another time, while pointing to make employees' photos in an Archie book, Nancy referred to each as a "penis." One employee relayed an instance where he heard Nancy say something like, "All you penises think you can run me out." (HR Innovations, LLC Report, p. 4).

Therefore, Defendant has utilized gender discriminatory language and conduct in a way that is not only inexcusable but is intolerable in today's employment setting.

81. This outrageous type of behavior of Defendant was confirmed in this Independent Report by an outside Human Resource Professional.

82. This Human Resource Independent Professional further indicated regarding Archie Comics Employees:

Employees advised that they heard Nancy state to a freelancer that she needed to adjust her balls because they irritated her. An employee has also heard her say that her balls hurt. An employee reported hearing Nancy say to a new person something like, "stand up and pull down your pants." . (Id).

This is completely unacceptable, very gross and very graphic:

It was reported to me that when talking about what might be contained in an old locked safe on the premises, Nancy pondered to several employees that there could be "sex toys" in the safe. (Id).

This type of outrageous behavior was more than sexual in nature to be offensive, but also consisted of constant threats to Employees to be fired.

83. As this Human Resource Independent Professional found also:

When asked if they ever heard anyone threaten another person in the workplace, only two employees said they had not. All the rest indicated they had directly and regularly heard Nancy make threats in the office, particularly threatening employees' jobs. One employee relayed that he heard Nancy threaten nine different employees' jobs on more than one occasion. (Id. at p. 5).

84. Based upon the foregoing, this Human Resource Independent Professional concluded, regarding the Defendant's conduct:

The conduct described by these employees is inappropriate, and appears to subject them to an intolerable work atmosphere. Employees perceive Nancy as a bully, a harasser and someone who makes the workplace extremely difficult in which to work. (Id. at p. 6).

This Independent Human Resource Professional soundly rejected all Defendant's claims as having no foundation in fact.

**INITIAL SETTLEMENT OF EMPLOYMENT ISSUES REGARDING DEFENDANT
AFTER ISSUANCE OF THE NEW YORK COUNTY PRELIMINARY INJUNCTION**

85. After the Preliminary Injunction issued against Defendant (that sought to unsuccessfully prevent her from harassing Archie Comics Employees), it was hoped that Archie

Comics could continue to move forward as a business and grow appropriately so Plaintiff Employees could work in a non-hostile, creative, and positive employment environment.

86. Unfortunately, continued misconduct by Defendant made this impossible.

87. Nevertheless in an effort to move forward on all matters three years after the late Michael Silberkleit's death, efforts to settle estate matters and hopefully resolve issues with Defendant at Archie Comics were undertaken.

88. On January 12, 2012, an application to admit the Last Will and Testament and Codicil of Decedent Michael Silberkleit was filed in Westchester County Surrogate's Court.

89. On February 8, 2012, a Citation in Surrogate's Court was returnable and the parties in that Court proceeding attempted to reach a resolution of issues.

90. On April 23, 2012, a Stipulation of Settlement with regard to various issues was entered into by the involved parties.

91. On May 24, 2012, the Petition to admit all Probate papers regarding Decedent Michael Silberkleit was granted.

92. At or about that same time, Defendant was forced to pay a substantial sum of money resulting from her conduct. Tragically, the children of Defendant's late Husband had to sue this Defendant to obtain this compensation. Defendant's conduct invited this Family litigation as there was no other resort for this Family to obtain justice.

93. Additionally at that time, Defendant was allowed by the other parties to select her friend of many years, Samuel J. Levitin, as Co-Trustee and liaison for Defendant to interact with others at Archie Comics.

94. On May 30, 2012, a Confidential Memorandum of Understanding ("MOU") was signed between representatives of Defendant and the Co-CEO of Archie Comics, Jon Goldwater, to help enable Archie Comics to hopefully move forward as a business concern.

95. On June 6, 2012, Stipulations of Settlement with regard to pending all litigation were also filed in Westchester County.

96. Based upon the foregoing, it was the hope of many that the previously determined outrageous conduct of Defendant (found by a Supreme Court Justice in the County of New York as well as an Independent Human Resource Professional) would cease and desist at Archie Comics so Archie Comics could continue when even World War II, the Korean War, the Vietnam War, and other wars could not stop publication of Archie Comics.

97. Unfortunately, war-like activity continued to take place by Defendant that resulted in these efforts to resolve issues become unraveled.

98. Due to Defendant's increasingly deranged behavior that accompanied several break-ins to the Archie Comics Office, armed security guards were required to be employed by Archie Comics to protect the health, safety and welfare of Archie Comics employees.

99. This use of armed guards at Archie Comics was unheard of in the history of Archie Comics and for thirty (30) years in this current location the only break-ins at Archie Comics occurred during litigation involving Defendant.

100. Moreover, this war-like approach by Defendant has a real life concern to Plaintiff employees since Defendant's Husband, upon his death, had 750 rounds of ammunition stored at Archie Comics and Defendant still inquires at work about the location of a missing hand gun.

CONTINUED PATTERN OF MANIFEST MISCONDUCT BY
DEFENDANT: DEFENDANT'S ATTEMPT TO BRING
"HELL'S ANGELS" TO TERRORIZE PLAINTIFF EMPLOYEES

101. Defendant's previously mentioned manifestly outrageous misconduct has continued unabated, but at times in different and more discreet ways.

102. Defendant, by prior Court Order and a MOU, has been designated and delegated to continue employment at Archie Comics and only interact with two Employees assigned to her. This did not stop Defendant, however from seeking to harm Plaintiff Employees.

103. Although Defendant was not to directly contact Plaintiff Employees, the Defendant solicited an individual to have the "**Hell's Angels**" come to Archie Comics in an effort to intimidate Plaintiff Employees.

104. The foregoing was consistent with a prior effort by Defendant to intimidate Plaintiff Employees when Defendant brought an ex-NFL Football player (Mr. Howard Jordan) to Archie Comics. Mr. Jordan's large size and imposing physical demeanor was yet another effort to intimidate Plaintiff Employees.

105. This attempt by Defendant to intimidate Plaintiff Employees was actually the basis for the Supreme Court of New York County to determine that Defendant was in Contempt of that Court's Order to Defendant not to harass Archie Comics employees, with Supreme Court Justice Kornreich ruling:

So, all of these things were done, I believe, for all the wrong reasons (by Defendant) and in fact Mr. Jordan himself said on the 16th that he believed he was there as muscle (for the Defendant) and he stated so on the witness stand....." (Id. 60-62).

106. Therefore, even if Defendant could not directly contact or communicate with Plaintiff Employees, Defendant pursued outrageous behaviors and intimidation in this alternative method.

107. Any contacts or communications by Defendant other than to those two designated Employees were to be through Samuel J. Levitin, who was a long standing Family Friend of the Defendant and known as a professional, fair, and independent person.

108. The Archie Comics Family was willing to accept any independent professional, including Defendant's hand-picked and longtime friend Samuel J. Levitin, to help move the Company forward and reduce the level of stress, uncertainty and virtual madness caused by Defendant.

109. It bears emphasis that Samuel J. Levitin was not previously associated with Archie Comics, but was instead hand-picked by Defendant as an independent professional to monitor employment activities at Archie Comics.

110. When this forty (40) year friend of Defendant attempted to help move Archie Comics forward by effectively screening Defendant's damaging and at times deranged contact with others at Archie Comics, this same Samuel J. Levitin entered Defendant's cross-hairs.

**DEFENDANT'S FRIEND OF FORTY YEARS PETITIONS
THE COURT TO REMOVE DEFENDANT FROM INVOLVEMENT
IN ARCHIE COMICS BECAUSE OF MANIFEST MISCONDUCT**

111. Defendant's late Husband selected as a Co-Trustee, Eugene I. Zuriff. Defendant was supposed to work cooperatively with Co-Trustee Zuriff in all matters concerning Archie Comics.

112. Unfortunately, Defendant's conduct toward Co-Trustee Zuriff was so difficult and demeaning that another Co-Trustee was sought to serve along with Defendant.

113. Defendant selected her friend of forty (40) years, Samuel J. Levitin, to be the new Co-Trustee who would also help with any interactions concerning Defendant and others at Archie Comics.

114. It bears emphasis that this new Co-Trustee Levitin was not someone known to Archie Comics or selected in any way by Archie Comics. Yet, Archie Comics fully accepted and embraced the appointment and work of Co-Trustee Levitin in an effort to work with this most difficult Defendant and, more importantly, move Archie Comics forward as a Company.

115. In May 2012, Co-Trustee Levitin was appointed Co-Trustee at the urging of Defendant. Only after approximately half a year later, this Co-Trustee Levitin was urging that Defendant have no more involvement in Archie Comics for the survival of Archie Comics.

116. In December 2012, Co-Trustee Levitin stated under oath to the Surrogates' Court that appointed him as Co-Trustee:

After attempting to work with Nancy, as co-trustee, with the responsibility of protecting the interests of both Nancy, as income beneficiary, and her daughter, Alexandria, as the sole remainder person, I reluctantly have come to the conclusion that in order to protect the Trusts, and the rights and interests of its beneficiaries, and for ACP (the Trusts sole significant asset), its intellectual properties and dedicated staff to survive, let alone maintain itself and grow, Nancy must be removed as co-trustee, and thereby end her control of the 50% of ACP shares owned by the Trusts. Otherwise, she will greatly damage the business operations and most likely contribute to the failure of ACP, and the consequent diminution in value of the trust estate.

Nancy lacks the ability to understand, or fulfill the duties and responsibilities of a co-trustee of ACP shares. She does not possess an understanding of the responsibilities of that position and is adversely affecting the value of the trusts' assets. Specifically, she lacks, and, as much as Petitioner has tried, she is unable and/or unwilling to obtain, an understanding of ACP's business, its daily operations, its past and current financial condition, and its future financial needs for growth and penetration into the many aspects the ever changing global markets.

...

Nancy has consistently demonstrated a pattern of being unstable, unable to absorb and analyze business matters, concepts and reports, and at meetings she acts in a disruptive manner by using her cell phone, coming and going in the middle of meetings and not staying long enough to understand the objectives and purpose of the meeting. She is away for extended periods of time without advising Petitioner or ACP where she is or why. She lacks functional communication skills and has an unstable temperament, constantly being combative, adversarial and creating a consistent pattern of

unpleasant atmosphere with ACP staff, causing a loss of incentive to be creative and productive by ACP employees, including Petitioner. (Livitin Surrogate's Court Verified Petition, ¶¶ 16, 17 and 19)

117. Accordingly, even friends of this Defendant for over forty (40) years found that working with her was impossible and more importantly, most detrimental to the future of Archie Comics.

118. Friends of the late Michael Silberkleit who have been associated with Defendant have equally concluded the Defendant will harm Archie Comics.

119. The former Co-Trustee with Defendant, Eugene Zuriff, clearly conducted that Defendant:

Has abused the authority over the Estate's ACP shares granted to her under the Will and her positions as director and Co-CEO of ACP to severely damage ACP and, thereby to severely damage the Estate. (Zuriff Petition, ¶ 13).

DEFENDANT'S MISCONDUCT CONTIUNES AT ARCHIE COMICS

120. Yet again, whoever came between Defendant, was wrongfully accused of gender related misconduct or other wrongdoing by this Defendant.

121. Defendant refused to work at Archie Comics in the manner she had agreed to undertake business activities even according to her own written parameters.

122. Instead of undertaking business activities at Archie Comics within these parameters, Defendant acted through Archie Comics Employees to promote her own personal and business interest to the detriment of Archie Comics and the Plaintiff Employees.

123. Defendant undertook continued outrageous, unreasonable, and detrimental conduct toward Plaintiff Employees through the Archie Comics designated Employees assigned to her for Archie Comics business activities.

124. Defendant approached one such designated individual and offered to pay that Employee to “spy” on others at Archie Comics and to find “dirt” about others at Archie Comics.

125. Plaintiff Paget had been hired in early 2013 by Defendant herself from an employment agency and then assigned to work with Defendant as one of the designated Archie Comics Employees to do Archie Comics related work for said Defendant.

126. Actions of Defendant toward Plaintiff Paget (and using Plaintiff Paget as her pawn to plot against Plaintiff Employees) were hostile, discriminatory, demeaning, degrading, and otherwise wrongful as well as unlawful.

127. Defendant sought to utilize Plaintiff Paget to lie about the actions of other Plaintiff Employees and to otherwise subvert the business interests of Archie Comics.

128. Defendant directed Plaintiff Paget on multiple occasions not to work on Archie Comics business matters, but instead to work on non-Archie Comics matters that would benefit Defendant both personally, professionally, and financially.

129. This caused Plaintiff Paget substantial stress and harm as Defendant sought to conflict and compromise said Plaintiff who was paid to work at Archie Comics, but Defendant directed him to work for her personally, handling Defendant’s personal blog, reading her personal e-mails, doing her personal calendar and other non-Archie Comics tasks.

130. Remarkably, notwithstanding that the foregoing **bullying tactics** of Defendant are well-documented while being employed by Archie Comics, Defendant pursued her own Foundation dedicated in part to **anti-bullying activity**----all while employed at Archie Comics.

131. This activity of Defendant with the "Rise Above Social Issues Foundation, Inc." (the "Foundation") listed Defendant as the Publisher, Founder and Chief Executive Officer---- all when Defendant is the only person employed at the Foundation

132. The Foundation was described by Defendant as an "Anti-Bullying Campaign" while Defendant bullied Plaintiff Employees and others at Archie Comics up to and including Co-CEO Jon Goldwater.

133. Defendant expressly told Plaintiff Paget that she desired to see Archie Comics "in chaos" and thereby observe Co-CEO Goldwater "squirm".

134. For example, Defendant sought to have Plaintiff Paget work not for Archie Comics, but for Defendant's Foundation, while said Plaintiff was employed and paid for by Archie Comics.

135. Defendant, on April 3, 2013, instructed Plaintiff Paget in an e-mail to disregard his duty to Archie Comics (which required said Plaintiff work on a "Comic Book Fairs" Project) stating, "Your job is not Comic Book Fairs. Please confirm that you understand."

136. On other occasions, Defendant instructed Plaintiff Paget to undertake personal and Foundation activities for Defendant while Defendant was fully aware Plaintiff Paget was employed by Archie Comics and required to undertake only Archie Comics activities.

137. On April 3, 2013, Defendant directed Plaintiff Paget to prepare a Report concerning observations that Plaintiff Paget saw when Defendant interacted with the co-Trustee Samuel J. Levitin.

138. When Plaintiff Paget provided a truthful summary of the activities he observed, Defendant became angry and sought to have Plaintiff Paget falsely state what had occurred to benefit Defendant and her scheme to become the effective "Dictator" of Archie Comics (or destroy Archie Comics in the process).

139. On other occasions, Defendant directed Plaintiff Paget not to undertake any accurate reporting of his activities during employment to Archie Comics.

140. On June 11, 2013, Defendant directed Plaintiff Paget to "make up" information requested by Archie Comics concerning weekly reports.

141. The degrading, humiliating, and otherwise outrageous activity of Defendant toward Plaintiff Paget culminated in said Plaintiff on two separate occasions falling to his knees and begging Defendant, **"Please don't ask me to lie"** about the Employees and Officers of Archie Comics.

142. Defendant's actions toward Plaintiff Paget resulted in the discharge of Plaintiff Paget from his working activities with Defendant.

143. Plaintiff Paget's discharge by Defendant was directed without any basis for Defendant to do so and while key individuals of Archie Comics were at an important Trade Show in California, so that this discharge by Defendant would add to the "chaos" at Archie Comics.

144. Although Defendant was required to undertake activities for Archie Comics with the "Comic Book Fairs" Project, Defendant neglected those activities on behalf of Archie Comics causing damage to the reputation and goodwill of Plaintiff Employees as well as Archie Comics – all while only advancing Defendant's Foundation.

145. Defendant has even directed employees of Archie Comics in her e-mails not to utilize the Archie Comics e-mail addresses when undertaking employment activities for Defendant at Archie Comics.

146. Defendant has also improperly utilized the trademark of Archie Comics in her Foundation and other personal activities, thereby diluting Archie's brand to the ultimate detriment of Plaintiff Employees who rely on the continued financial stability and growth of Archie Comics for their present and future employment opportunities.

147. Also indicative of Defendant's abnormal and enigmatic behavior is that various people have observed Defendant enter into the Archie Comic's office in the still of the night, fail to turn the lights on, and remove materials from the office in darkness.

148. Defendant has also stalked Plaintiff Employees as well as their families and threaten to stalk Plaintiff Employees, all calculated to cause said Plaintiffs to sustain fear of her actions.

149. The conduct and actions of Defendant as confirmed by both the prior Co-Trustee and the current Co-Trustee show such wanton dishonesty and/or disregard for law as to imply complete indifference to civil obligations, and demonstrated conscious indifference and utter disregard for the effect of such actions upon the health, safety, and rights of Plaintiff Employees.

150. By reason of the foregoing, punitive damages should also be awarded against said Defendant individually in the amount of \$7,500,000.

AS AND FOR A FIRST CAUSE OF ACTION

151. The Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "150" as though fully set forth herein.

152. Defendant has discriminated against Plaintiff Employees on the basis of their gender in violation of the New York State Human Rights Law ("NYSHRL") and has retaliated against Plaintiff Employees for their involvement in protected activity by actions including, but not limited, to subjecting Plaintiff Employees to disparate working conditions, denying Plaintiff Employees the opportunity to work in an employment setting free of unlawful discrimination and harassment as well as retaliatory conduct, and seeking the wrongful termination of Plaintiff Employees.

153. Defendant has discriminated against Plaintiff Employees on the basis of their gender and for engaging in protected activity in violation of the NYSHRL, by creating, fostering, condoning, accepting, ratifying, and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive harassment of Plaintiff Employees based on their gender and participation in protected activity.

154. As a direct and proximate result of Defendant's unlawful discriminatory conduct in violation of the NYSHRL, Plaintiff Employees have suffered and continue to suffer monetary and/or economic harm for which Plaintiff Employees are entitled to an award of monetary damages and other relief.

155. The actions of Defendants have been and are continuing as part of a persistent pattern of conduct and offensive behavior.

156. None of the Plaintiff Employees have filed any administrative complaints with the NYSDHR.

157. At all times relevant, Defendant was aware that the Plaintiff Employees were engaged in protected activity.

158. The Plaintiff Employees sustained adverse employment activity caused by Defendant.

159. As a direct and proximate result of Defendant's unlawful discriminatory and retaliatory conduct in violation of the NYSHRL, Plaintiff Employees have suffered and continue to suffer severe mental anguish, emotional distress, including but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, insomnia, loss of appetite and emotional pain and suffering, physical injuries for which Plaintiff

Employees are entitled to an award of monetary damages and other relief in the amount of \$25,000,000.

AS AND FOR A SECOND CAUSE OF ACTION

160. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "159" as though fully set forth herein.

161. The aforementioned actions of this Defendant have caused and continue to cause the potential demise of Archie Comics and likely loss of employment by Plaintiff Employees if allowed to continue unabated.

162. Actions of this Defendant as aforesaid have interfered with the prospective business relations of the Plaintiff Employees concerning continued employment and future financial growth with Archie Comics.

163. The aforementioned activities of Defendant were done with malice and through illegal means by wrongful means, for the purpose solely of harming Plaintiff Employees.

164. Defendant was fully aware of the foregoing prospective economic relations of Plaintiff Employees at and with Archie Comics.

165. While so aware, Defendant has acted with the sole and improper purpose of interfering with those economic relations contrary to law.

166. Defendant's actions described above constitute wrongful interference with the economic relations of Plaintiff Employees with Archie Comics.

167. Solely by reasons of the foregoing, Defendant has engaged in the tortious interference with economic relations of Plaintiff Employees.

168. By reason of the foregoing, Plaintiff Employees have been damaged in the amount of \$25,000,000.

AS AND FOR A THIRD CAUSE OF ACTION

169. The Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "168" as though fully set forth herein.

170. The aforementioned conduct by Defendant is so outrageous in character, and so extreme and degrading, as to go beyond all possible bounds of decency.

171. The aforementioned conduct of Defendant is atrocious and utterly intolerable in a civilized community and was done with malice and through illegal means.

172. The aforementioned conduct by Defendant was intended to cause severe emotional distress and harm to the Plaintiff Employees.

173. The aforementioned conduct by Defendant has caused severe emotional distress and harm to the Plaintiff Employees as herein set forth.

174. Defendant has constantly sought through deceitful and discriminatory ways to terminate the employment of all Plaintiff Employees with the basis for such termination to constitute wrongful termination if Defendant was able to accomplish that goal.

175. As a result of the foregoing, Plaintiff Employees have been damaged in the amount collectively of \$25,000,000.

176. No other application has been made for the relief requested herein.

WHEREFORE, Plaintiffs requests the following relief:

(1) Monetary damages against the Defendant in the amount of \$25,000,000;

(2) For an award of \$7,500,000 punitive damages that would be deposited into a Special Account to be used to fund a true anti-bullying campaign against bullies such as the Defendant who falsely claim to support anti-bullying activities.

(3) To the extent monetary damages do not provide an adequate remedy, for a permanent injunction preventing Defendant from having any contact whatever with the Plaintiff either directly, indirectly or otherwise; as well as to remove Defendant from the workplace area where Plaintiff Employees work and have Defendant stationed at least two miles away from the office and 1,000 feet away from any Plaintiff Employees at any time; and

(4) For an Order of this Court preventing Defendant from having any contact with any Family members of the Plaintiffs including an Order specifically directing the Defendant not to stalk any of the Plaintiffs or the Plaintiffs' Family members

(5) For an Order of this Court preventing Defendant from hiring or allowing others to stalk, harass or seek to intimate the Plaintiff employees in any manner, shape or form;

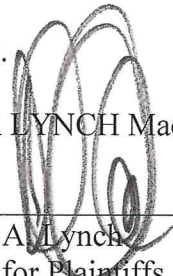
(6) For an award of Attorney's fees, costs and disbursements; and

(7) For such other and further relief as this Court is just and proper.

DATED: September 30, 2013
South Nyack, New York

Yours, etc.

FEERICK LYNCH MacCARTNEY, ESQS.

By: 
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
MIKE PELLERITO, VICTOR GORELICK, DEBBIE
MONSERRATE, JIM PAGET, JONATHAN GRAY
And DAVID FELICIANO,

VERIFICATION

Index No.

Plaintiffs,

-against-

NANCY SILBERKLEIT,

Defendant.

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

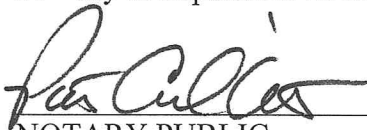
DENNIS E. A. LYNCH an Attorney duly admitted to practice in the Courts of the State of New York, hereby affirms the following under the penalty of perjury:

That I am the Attorney for the Plaintiffs in the within action; that I have read the foregoing Summons and Complaint and know the contents thereof; that the same is true to my own knowledge, except as to those matters stated therein to be alleged on information and belief; and as to those matters I believe them to be true. This Verification is made by me and not by the Plaintiffs because I do not maintain an Office in the County in which the Plaintiffs reside. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Material forwarded to me consisting of material prepared for litigation, Attorney's work product and other privileged material.



DENNIS E. A. LYNCH

Sworn to before me this
30th day of September 2013.



NOTARY PUBLIC

PATRICIA A. D'ATTILO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DA5055817
Qualified in Westchester County
Commission Expires Feb. 20, 20 *14*