

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

x

ELIZABETH COMBIER,

Plaintiff

DOCKET NO. 09 CIV 5314 (RJH)(FM)

-against-

THE STATE OF NEW YORK, SUPREME COURT OF THE STATE OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT, HON, JOHN T. BUCKLEY, in his individual and official capacity, HON. KARLA MOSKOWITZ, in her individual and official Capacity, ELIOT SPITZER, in his individual and official Capacity, ERIC REISS, in his individual and official Capacity, LAUREN HOLMES, in her individual and official capacity, DAN RAMOS, in his individual and official capacity, HON. JONATHAN LIPPMAN, in his individual and official capacity as the former Presiding Judge of the New York Supreme Court, Appellate Division, First Department, HON RENEE R. ROTH, in her individual and official capacity as the former Manhattan Surrogate Court Judge, HON. TROY WEBBER, in her individual and official capacity, BARBARA LEVITAN, in her individual and official capacity, MARY SANTAMARINA, Esq., in her individual and official capacity, ETHEL GRIFFIN, in her individual and official capacity, PETER SCHRAM, in his individual and official capacity, DR. FRED ANDERSON, in his individual and professional capacity, KENNETH WASSERMAN, in his official and individual capacity, FRANCESCA SABADIE, individually, LAWRENCE MARK, individually, JULIA DANGER, individually, ELI UNCYK, in his individual and professional capacity, JEFF KOFSKY, in his individual and professional capacity, JONATHAN LANDSMAN, in his individual and professional capacity, DOROTHY HENDERSON in her individual and professional capacity, GUIDE ONE INSURANCE COMPANY, PRESBYTERY OF NEW YORK CITY,

Defendants

x

**SECOND AMENDED**  
**COMPLAINT**

***JURY TRIAL DEMANDED***



**PLAINTIFF ELIZABETH COMBIER**, proceeding Pro Se, as and for her Summons and Second Amended Complaint filed to protect her Constitutional rights against the above-captioned defendants, alleges upon knowledge as to her own facts and upon information and belief as to all other matters:

**PRELIMINARY STATEMENT**

1. This is a civil action seeking injunctive relief, monetary relief, including past and ongoing economic loss, compensatory and punitive damages, costs and fees for violations of Constitutionally protected rights brought pursuant to: the First, Fifth, Seventh, and Fourteenth Amendments to the United States Constitution; 42 U.S.C §1983, § 1985(2), (3); §1986; 28 U.S.C. § 1331, §1343, §1367, §1443; 18 U.S.C. §201, §241, §242, §641; 18 U.S.C. §1341, §1343; 18 U.S.C. §1505, §1512, §1513, and §1515; 18 U.S.C.A. §1951, §1952, and §1957; 18 U.S.C. §1961; SCPA §203, §302 1(a), §303 and §502; Civil Rights Law §§70, 76-a, and 79-h; Article I, § 8, §11 of the New York State Constitution; Judiciary Codes of Conduct, Judiciary Law §487, and other State law claims codified in the New York State Constitution as well as in the New York Civil Practice Law and Rules (“CPLR”) as they relate to: procedures mandated by SCPA to assure fairness and equity in the Surrogate Court; prohibition of obstruction of justice, tampering with witnesses and contracts, conversion of property and fraud; support for freedom of speech and assembly; freedom from malice in law, from abuse of process and malicious prosecution, and from the intentional infliction of emotional harm.

2. Specifically, Plaintiff alleges that DEFENDANTS, with flagrant disregard for Plaintiff’s Constitutionally protected rights, wantonly, recklessly, maliciously, knowingly and purposefully, acting *ultra vires* individually under a ministerial cloak and in

conspiracy with each other under color of state law, have deprived Plaintiff of her protected rights of freedom of speech, assembly, religion, and enjoyment of liberty and property in order to retaliate against her for exposing the corruption and fraud scheme at Madison Avenue Presbyterian Church (“MAPC”), Plaintiff’s church for more than fifty years.

3. Plaintiff alleges that DEFENDANTS set up a conspiracy to deny probate of Plaintiff’s mother’s Will dated November 1997 - in which Plaintiff is the beneficiary – in order to take control and ultimately ownership of the estate of decedent Julia Taschereau, mother of twin sisters Elizabeth Combier (“Plaintiff”) and DANGER.

4. The main theme of the fabricated story placed into the computers of the Courts of New York State was, and continues to be, acted out by Defendant WASSERMAN, who created out of thin air a tale of a long-term battle between the twin sisters in which Plaintiff is characterized as a greedy, controlling person ready and willing to steal all of her mother’s money for ownership of her mother’s apartment after her mother’s death.

5. This tale has no validity, yet DEFENDANTS have “believed” this tale for eleven years, and shut the doors of the Courts of New York State to access by Plaintiff while giving DANGER a free ride inside it’s hallowed halls, even though DANGER has lived in Paris France since 1972 and is mentally unstable. Upon information and belief, DANGER is not WASSERMAN’s client and is not paying him.

6. None of Plaintiff’s causes of action are frivolous, and all are brought to this Court as a case of first impression (*primae impressionis*) for the violation of numerous Constitutional rights by Defendants, many of whom are under oath to the State of New

York to be impartial and honor the rules, and Statutes of the State of New York, yet deliberately chose not to.

7. Plaintiff's invocation of the equitable powers of this Court is just and proper based upon an eleven year pattern, practice, custom and policy of bad faith, harassment, defamation and unlawful use of the New York State Unified Court System by the state and non-state Defendants to further a corrupt scheme against Plaintiff's person and property.

8. This Second Amended Complaint is brought pursuant to an Order of United States District Judge Frank Maas dated October 28, 2009. EXHIBIT 1

#### **JURISDICTION AND VENUE**

9. Jurisdiction of this Court is invoked under: the First, Fifth, Seventh, and Fourteenth Amendment to the United States Constitution; 42 U.S.C §1983, § 1985(2), (3); 18 U.S.C. §1505, §1512, §1513, and §1515; 18 U.S.C.A. §1952 and §1957, §1962, §1963, §1964, and 18 U.S. C. §1964(c) .

10. Formerly known as ancillary and pendant jurisdiction, supplemental jurisdiction under 28 U.S.C. §1367 permits both pendent claim and pendent party jurisdiction. 28 U.S.C. §1367 changed "the pre-existing law in that it makes supplemental jurisdiction mandatory, not discretionary".

28 U.S.C. 1343(3) provides for original jurisdiction of the district court:

To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

28 U.S.C. 1331(a) provides:

The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

42 U.S.C. 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

11. Plaintiff alleges that she has a prima facie case under 42 U.S.C. §1983 as the actions cited herein [a] occurred “under color of law” and [b] are derivations of Constitutional rights as well as federal and state statutory rights. Plaintiff also alleges that in this private, civil RICO action she was injured in my business and property by reason of:

[a] a “person” within the scope of the statute

[b] has utilized a “pattern of racketeering activity” or the proceeds thereof

[c] to infiltrate an interstate “enterprise”

[d] by (i) investing the income derived from the pattern of racketeering activity in the enterprise; (ii) acquiring or maintaining an interest in the enterprise through the pattern of racketeering activity; (iii) conducting the affairs of the enterprise through the pattern of racketeering activity; or (iv) conspiring to commit any of the above acts.

12. Defendants mailed motions, orders, and notes to Plaintiff with the purpose to defraud and/or obtain money and property by means of fraudulent misrepresentations; this constitutes mail fraud under 18 U.S.C.A. §1341, and is part of the alleged RICO scheme enacted by DEFENDANTS. This Court has jurisdiction to remedy acts of mail fraud.

13. Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person,

with intent to influence, delay, or prevent the testimony of any person in an official proceeding, or cause or induce any person to withhold testimony, or withhold a record, document, or other object, from an official proceeding, as Defendants have attempted to do by threatening Plaintiff with contempt of court if she spoke about what Defendants said in the Surrogate Court hearing April 1, 2009 is acting unlawfully and is tampering with an informant. This Court has jurisdiction over 18 U.S.C. §1512.

14. Pursuant to the civil RICO "injury discovery accrual rule" held by the Second Circuit (*Bankers Trust Co. v Rhoades*, 859 F.2d 1096, 1102 (1988)), Plaintiff learned of the exact particularities of the civil RICO complained about herein in July, 2006 when she received the order of former Surrogate's Court Judge Renee R. Roth, saying that her mother died "intestate" and the Public Administrator would be henceforth be the administrator of the estate of her mother. Plaintiff went into heart failure and spent three days in Lenox Hill Hospital, with her children crying by her side. EXHIBIT 2.

Plaintiff subsequently learned about the "pattern" exercised by DEFENDANTS in the alleged RICO, briefly described herein and claims injury caused by DEFENDANTS' violation of Sec. 1962. The Supreme Court has set a limitations period of four years for civil RICO claims, and this four year period has not yet been exhausted, thus this RICO claim is timely and this court has jurisdiction.

14. Venue herein is proper under 28 U.S.C. §1391(b) because the causes of action arose in the Southern District of New York, and the events or omissions giving rise to Plaintiff's claims occurred in this District.

15. Defendants have waived any protection or immunity they may have enjoyed under the Eleventh Amendment to the Constitution of the United States of America because they knowingly, maliciously and intentionally inflicted the most emotional, physical, and financial harm possible on Plaintiff without any subject matter jurisdiction over the fabricated tale made up by WASSERMAN or personal jurisdiction over DANGER, and thus they did not have the protected status giving them absolute or quasi-judicial immunity. When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he/she exercises no discretion or individual judgment and acts no longer as a judge but as a “minister” of his/her own prejudices. A judge is liable for injury caused by a ministerial act. To have immunity the judge must be performing a judicial function. State actors have been sued officially and in their individual capacities.

16. The presence of malice and the intention to deprive a person of his/her civil rights is wholly incompatible with the judicial function. When the State is one of the perpetrators and violators as in the instant case, there can be no expectation of just, if any, relief from it. The State cannot cause a federal violation, and then try to prohibit litigants from seeking redress in the federal courts for those same violations. There is no court other than this one that can hear the claims asserted by Plaintiff in the instant complaint.

#### **THE PARTIES**

15. At all times relevant in this Complaint, Plaintiff Pro Se (“Plaintiff”) ELIZABETH COMBIER is an advocate and reporter residing in the State of New York. At all times relevant hereto Plaintiff is a consultant/reporter to newspapers, online newsmagazines and international groups, individuals and organizations interested in corruption, fraud,

and illegal actions of public and private individuals and courts. She is also Editor of a website that publishes stories of court corruption, and Editor of blogs that deal with these issues as well as Federal and State Whistleblower Protection. Plaintiff is a part-time consultant/advocate for the United Federation of Teachers in New York City.

17. At all times relevant in this Complaint, Defendant STATE OF NEW YORK (hereinafter "STATE") is a sovereign state of the United States of America. At all times relevant herein, Defendant State was an employer within the meaning of the Constitution of the State of New York and was a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

18. At all times relevant in this Complaint, Defendant the NEW YORK STATE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT is a government entity created by and authorized under the laws of the State of New York to uphold the US Constitution, the laws of the State and City of New York, and to provide adjudicators who give impartial reviews of the cases assigned to them, was, and is, an employer within the meaning of the Constitution of the State of New York and a governmental entity acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

19. Defendant HON. JOHN T. BUCKLEY, ("BUCKLEY") sued herein both individually and in his official capacity at all times relevant to the instant complaint, was a citizen of the United States residing in the State of New York, and the Judge presiding over the NEW YORK STATE SUPREME COURT APPELLATE DIVISION, FIRST DEPARTMENT when a subpoena was issued by him to retrieve the records in the Matter of the Will of Julia Taschereau in June, 2006 for an Appeal by Plaintiff of former



Surrogate Court Judge Renee R. Roth's ("ROTH") order which said that Julia Taschereau "died intestate". BUCKLEY permitted the subpoena to be ripped up, therefore preventing Plaintiff from exercising her Constitutional right to due process and defense against her adversaries, the Defendants cited herein. He refused to sign another subpoena and thus effectively prohibited Plaintiff from appealing ROTH's changing of her mother's Will, suddenly, on July 19, 2006. Plaintiff also found a secret memo in the file of the ashes case from Wasserman, listing him as a Respondent. Exhibit 3.

BUCKLEY was a policy maker responsible for creating and implementing policies carried out in accordance with the U.S. Constitution and all federal, state, Surrogate ("SCPA") and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

20. Defendant HON. KARLA MOSKOWITZ ("MOSKOWITZ") sued herein both individually and in her official capacity as a former NEW YORK STATE SUPREME COURT JUDGE in the Commercial Division at 60 Center Street, N.Y.C. until December 31, 2008, and then assigned the position of Associate Judge to the NEW YORK STATE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT by former Attorney General Eliot Spitzer, was at all times relevant to the instant complaint a citizen of the United States residing in the State of New York. Judge MOSKOWITZ presided over and was assigned the case "Danger v Combier" that was simply uploaded to the New York State Supreme Court computer by Gloria Smyth Godinger, and was never served on Plaintiff. Nonetheless, despite having no personal or subject matter jurisdiction, Judge MOSKOWITZ pursued the false claims of WASSERMAN sua sponte without concern for the denial of due process rights of Plaintiff for more than one and one half

years. On January 2, 2007 Plaintiff recorded a conversation with NYPD Detective A'Hearn during which he told Plaintiff that MOSKOWITZ was paying WASSERMAN to harass Plaintiff. Copies of this tape were sent to the Attorney General's Office, the District Attorney, the FBI, and all personnel at the New York State Supreme Court as well as Appellate Division, First Department. MOSKOWITZ was a Judge responsible for creating and implementing policies carried out in accordance with the U.S. Constitution and all federal, state, Surrogate ("SCPA") and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

21. Defendant ERIC REISS ("REISS") sued herein both individually and in his official capacity as a NEW YORK STATE SUPREME COURT clerk in the Commercial Division at 60 Center Street, N.Y.C. was at all times relevant to the instant complaint a citizen of the United States residing in the State of New York. REISS was assigned to work with MOSKOWITZ on the case "Danger v Combier" that never existed and over which there was no personal or subject matter jurisdiction,. REISS was responsible for implementing policies carried out in accordance with the U.S. Constitution and all federal, state, Surrogate ("SCPA") and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

22. Defendant LAUREN HOLMES ("HOLMES") sued herein both individually and in her official capacity at all times relevant to the instant complaint, was a citizen of the United States residing in the State of New York, and the senior Attorney for the NEW YORK STATE SUPREME COURT APPELLATE DIVISION, FIRST DEPARTMENT when the Matter of the Will of Julia Taschereau in June, 2006 was brought for an appeal after Judge Renee Roth changed the Will to make it disappear for four days. HOLMES

was and is under oath to pursue and obey the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York, yet designated WASSERMAN as a “Respondent” when she knew that he was not a party in the Will Proceeding of Julia Taschereau. HOLMES also denied Plaintiff’s request for a jury at trial in Surrogate’s Court in 1997 and in August 2009.

23. Defendant DAN RAMOS (“RAMOS”) sued herein both individually and in his official capacity at all times relevant to the instant complaint, was a citizen of the United States residing in the State of New York, and a clerk at NEW YORK STATE SUPREME COURT APPELLATE DIVISION, FIRST DEPARTMENT when the case *Combier v Anderson* was presented for appeal. RAMOS was under oath to pursue and obey the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws. RAMOS ripped up a two-page memo secretly filed in the Appellate Court by WASSERMAN, who called himself an “APPOINTMENT-RESPONDENT-PRO SE”, and told Plaintiff on March 15, 2005 “You weren’t supposed to see that”.

24. Defendant JONATHAN LANDSMAN (“LANDSMAN”) sued herein both individually and in his official capacity as the former Attorney for Plaintiff in Surrogate’s Court and in New York State Supreme with the case “*Combier v Anderson*” as well as “*Danger v Combier*”, never attempted to file Motions that addressed the frivolous *Danger v Combier*, or the unverified Objections to Probate, but made Plaintiff pay him for frivolous motion practice. In March 2004, during a visit to LANDSMAN’s former office at 60 East 42<sup>nd</sup> Street, Plaintiff was physically hurt by LANDSMAN when he dug his nails into her shoulder. He is withholding Plaintiff’s papers at the request of his co-

conspirator, former Surrogate Judge Renee R. Roth, who ordered Plaintiff to pay LANDSMAN almost \$8,000 to get her papers back. Plaintiff refused to pay for the years of fraudulent law practice. Presently, LANDSMAN shares an office with ROTH at 260 Madison Avenue, 17<sup>th</sup> floor. Thus he violated his ethical mandate to obey all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

25. At all times relevant in this complaint, Defendant HON. JONATHAN LIPPMAN, (“LIPPMAN”) sued herein both individually and in his official capacity at all times relevant to the instant complaint, was a citizen of the United States residing in the State of New York, and the former presiding Judge over the NEW YORK STATE SUPREME COURT APPELLATE DIVISION, FIRST DEPARTMENT . As Presiding Judge, and now Chief Judge For the State of New York, LIPPMAN was and is a policy maker responsible for creating and implementing policies carried out in accordance with the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York. Plaintiff brought to his attention the withholding of her mother’s ashes and the request for a trial by jury in Surrogate’s Court in 2007, but LIPPMAN denied Plaintiff her rights.

26. From the start of the action complained about herein until her retirement from public service as Manhattan Surrogate Court Judge in December, 2008, Defendant RENEE R. ROTH, (“ROTH”), sued herein both individually and in her official capacity at all times relevant to the instant complaint, was and is a citizen of the United States residing in the city of New York, and the Judge presiding over the MANHATTAN SURROGATE COURT and presiding over the Matter of the Will of Julia Taschereau, Plaintiff’s mother.

ROTH, as Surrogate Judge, was a policy maker responsible for creating and implementing policies carried out in accordance with the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York, yet ignored her duties in order to declare that Defendant GRIFFIN was the Administrator of the Estate after Roth changed the Taschereau Will so that it did not exist on July 19, 2006. ROTH made her court not a court of record, with no tape recordings or transcripts made of any session held before her, except for Plaintiff, after her heart failure in 2006. Plaintiff asked for and received a court reporter, but was the only one who has a recording before ROTH.

27. At all times relevant in this complaint, Defendant HON. TROY WEBBER (hereinafter “WEBBER”), sued herein both individually and in her official capacity at all times relevant to the instant complaint and events of April 1, 2009, was the Interim Acting Manhattan Surrogate Judge appointed in January, 2009 by Governor Paterson and presiding over the proceeding on the Matter of the Will of Julia Taschereau, Plaintiff’s mother and as such was a policy maker responsible for creating and implementing policies carried out at the Manhattan Surrogate Court in accordance with the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York that protect people who are litigating Wills and Estates in Manhattan.

28. At all times relevant in this complaint, Defendant BARBARA LEVITAN (hereinafter “LEVITAN”), sued herein both individually and in her official capacity at all times relevant to the instant complaint and events of April 1, 2009, was the Senior Attorney for the law department at the Manhattan Surrogate Court responsible for the actions of the

Attorneys within that Department, and for creating and implementing policies carried out at the Manhattan Surrogate Court in accordance with the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York that protect people who are litigating Wills and Estates in Manhattan.

29. At all times relevant to this Complaint, Defendant MARY SANTAMARINA (hereinafter “Santamarina”), sued here in her individual and official capacity, was at all times and upon information and belief a citizen of the United States of America residing in the State and city of New York. She works at the Manhattan Surrogate Court as the alleged law secretary of Defendant WEBBER, and as such is responsible for implementing the policies carried out by the Surrogate Court and those that are aligned with the federal, state and local laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

30. At all times relevant to this Complaint, Defendant KENNETH WASSERMAN (hereinafter “WASSERMAN”), sued here in his individual and official capacity, was at all times and upon information and belief a citizen of the United States of America residing at 368 Prospect Street, South Orange, New Jersey and working as a licensed Attorney in New York City with an office inside the Empire State building, Suite 4810. Wasserman falsely alleges that he has been employed by Defendant DANGER, yet has never submitted a verification to any court, and has made himself a RESPONDENT in the proceedings in Surrogate Court and in State Court without justification. He is not a relative of Plaintiff, and has no interest in the Will of Julia Taschereau. EXHIBIT 4.

31. At all times relevant to this Complaint, Defendant JULIA DANGER (hereinafter "DANGER"), sued here in her individual capacity, was at all times and upon information and belief a citizen of the United States and France, with property in Paris, France. She is sued for her eleven years of false allegations and breach of contract of the Samuel Strauss Settlement and Accounting Agreement signed by both her and Plaintiff, her sister, in 1999. She testified that her Objections To Probate were false in 2000, yet Verified the same claims in Surrogates Court on August 4, 2009..EXHIBIT 5

32. At all times relevant in this complaint, Defendant ETHEL GRIFFIN (hereinafter "GRIFFIN"), sued herein both individually and in her official capacity at all times relevant to the instant complaint was and is the Public Administrator and her office is in the same building as the Surrogate Court, 31 Chambers Street, New York City. GRIFFIN is in alleged control of the property in the Estate of Julia Taschereau, but this position was given to her due to fraud. GRIFFIN was a policy maker responsible for creating and implementing policies carried out by her in accordance with the U.S. Constitution and all federal, state, Surrogate ("SCPA") and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

33. At all times relevant in this complaint, Defendant PETER S. SCHRAM, P.C. (hereinafter "SCHRAM"), sued herein both individually and in his official capacity at all times relevant to the instant complaint, is located at 350 Broadway, Suite 515 in New York City; SCHRAM was and is the Attorney who represents Public Administrator GRIFFIN and her office, currently and fraudulently in alleged control of the property in the Estate of Julia Taschereau. SCHRAM was responsible for implementing policies carried out by him in accordance with the U.S. Constitution and all federal, state,

Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York. EXHIBIT 2

34. Defendant DR. FRED ANDERSON (hereinafter “ANDERSON”), sued herein both individually and in his official capacity at all times relevant to the instant complaint, is Pastor in charge of the large endowment of Madison Avenue Presbyterian Church, located at 921 Madison Avenue in New York City. ANDERSON lives in the church manse at 1165 Fifth Avenue, #12-A, N.Y. N.Y. 10029 and is allegedly the person accountable to the Presbytery of New York City and the Presbyterian Church USA for the itemizing of taxes, spending of contributions and invasions into the endowment. Plaintiff alleges that ANDERSON is misusing the funds donated to the “921 FUND” at MAPC, and a member of the Session told her in June 2009 about this information.

35. Defendant FRANCESCA SABADIE (“SABADIE”) is an Attorney who lives at 1 Walforth Avenue in Scarsdale, with her husband and Robert Dwyer, as well as elusive Defendant JULIA DANGER. SABADIE is sued individually as a co-conspirator and ally of both DANGER and WASSERMAN.

36.. Defendant LAWRENCE MARK (“MARK”) lives at 2110 Quaker Ridge Road, Croton on Hudson, NY 10520, and is in control of the property taken from the apartment of Julia Taschereau in June 1998. Upon information and belief, MARK has stored the estate property in his garage, and has made no attempt to preserve the property nor has he paid taxes on the property he holds.

37. Defendant ELI UNCZYK (“UNCZYK”) is sued herein individually and in his professional capacity as an Attorney licensed to practice law with an office at 555 Fifth Avenue, 18<sup>th</sup> Floor, NY NY 10017 and thus must obey the U.S. Constitution and all



federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York, as well as the rules and statutes of professional responsibility. UNCYK played along with the scheme to deny probate of the Taschereau Will, and called Plaintiff on several occasions to threaten her that she had better cave in to the Court and settle with her sister.

38. Defendant JEFF KOFSKY (“KOSKY”) is sued herein individually and in his professional capacity as an Attorney licensed to practice law with an office in the lawfirm of Uncyk, Borenkind, and Nadler at 555 Fifth Avenue, 18<sup>th</sup> Floor, NY NY 10017 and thus must obey the U.S. Constitution and all federal, state, Surrogate (“SCPA”) and city laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York, as well as the rules and statutes of professional responsibility.

39. GUIDE ONE INSURANCE Company is an entity that insures churches, and is located at 1111 Ashworth Road, West Des Moines, Iowa 50265-3538. GUIDE ONE has funded the storytelling of WASSERMAN and has a duty of care to insure Plaintiff as a member of MAPC, yet directed the Session and ANDERSON to throw her off the membership roll ten days after her mother’s death.

40. At all times relevant to this Complaint, Defendant DOROTHY HENDERSON (hereinafter “HENDERSON”), sued here in her individual and official capacity, was at all times and upon information and belief a citizen of the United States of America residing in the State and city of New York, and was the Senior Attorney to former Judge ROTH until 2009, when she became the law clerk to New York State Supreme Court Judge Nicholas Figueroa at 60 Centre Street, Room 655, New York City. While at New York Surrogate’s Court she was responsible for implementing the policies carried out by

the Surrogate Court and those that are aligned with the federal, state and local laws, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

41. The PRESBYTERY OF NEW YORK CITY is located at 475 Riverside Drive, Suite 1600, in New York City, and is responsible for overseeing the submission of minutes for all the Presbyterian Churches in New York City including those for Session meetings of MAPC, filing tax receipts, and general management of rules and guidelines for the Presbyterian Church USA based in Louisville Kentucky.

### **FACTUAL BACKGROUND**

40. Julia Taschereau, (“Taschereau”) Plaintiff’s mother, was the daughter of Samuel Strauss and Irene Rosenfield. She married Plaintiff’s dad, P. Hodges Combier, Assistant Attorney General for the State of New York, in 1948 and joined Madison Avenue Presbyterian Church in New York City. She worked as a volunteer at MAPC fulltime from about 1958, and worked a concert at the Church on the afternoon of her sudden death in her sleep on March 15, 1998.

41. Upon information and belief, ANDERSON and The Session of MAPC, the governing body of MAPC, assumed that Julia Taschereau’s Will left her apartment and/or money to MAPC.

42. Julia Taschereau had twin daughters, Julia Combier DANGER and Elizabeth Combier. Julia DANGER moved to Paris France in 1972, while Elizabeth Combier lived in New York City except for five years (1978-83) in Egypt, Israel and Jordan.

43. Plaintiff married and had four daughters, and saw her mother often at MAPC due to the nursery school in the church house, where Plaintiff's children attended 1986-1997.

44. In 1992 MAPC Session hired a new Pastor, Dr. Fred ANDERSON, to manage the financial affairs of the Church.

45. Julia Taschereau had an office on the 7<sup>th</sup> floor of the church building, down the hall from ANDERSON. She found out, in 1994, about the improper use of Church funds for real estate deals and about the union-busting and racial discrimination by ANDERSON from the porters and other staff. She told Plaintiff, and also told Plaintiff that she was being threatened by Fred Anderson and Associate Pastor Charles Amstein to "keep quiet."

46. DANGER had a terrible relationship with her mother Taschereau and beat her continuously. She came to New York every summer to physically and emotionally abuse her mother for money. In 1996 she joined forces with ANDERSON to make sure that Plaintiff was not getting in the way of a large bequest from Julia Taschereau to the MAPC endowment and the pockets of DANGER upon the death of Taschereau.

47. Taschereau was Co-Trustee with Banker's Trust Company of the Samuel Strauss Trust established by her father in 1953 in which Plaintiff and Danger were the remaindermen. The Trust ended with the death of Julia Taschereau, and in June-July 1999 both Julia DANGER and Plaintiff signed a Final Accounting, agreeing to closing the Trust and taking the money in equal shares. EXHIBIT 7

48. In 1996, an employee of MAPC, Scott Vanos, was fired by ANDERSON, because he was speaking out about the racism and discrimination going on at MAPC, and because he was the shop steward for Local B&J. ANDERSON wanted the Union out of the Church.

Plaintiff assisted the porters and Union workers at the Church obtain their benefits after they were summarily fired without cause, and she also got a job for Scott as the doorman of her building, infuriating ANDERSON, who decided to get rid of Plaintiff as soon as Julia Taschereau “died or was incapacitated” (deposition testimony by ANDERSON) .

49. In 1996, to protect herself from the attacks of DANGER and the hostility of ANDERSON, Taschereau gave Plaintiff Power of Attorney so that she could tell DANGER that she did not have any money to give her, and also tell the church that they were not going to get the huge donations of the past.

50. In July, 1997, DANGER stole very valuable letters from Taschereau’s apartment, and threw her to the floor in the kitchen the day before she flew to California for a vacation July 25, 1997.

51. Taschereau spent a few days in the hospital, but with the help of a walker, was back at her volunteer job within two weeks, performing her duties as before the “accident”.

52. Taschereau, now afraid of being further abused by DANGER, decided she must write a Will.

53. On November 21, 1997 the Will of Julia Taschereau was signed in front of three attesting witnesses and an Attorney. Taschereau made Plaintiff the Executrix and Beneficiary of her estate, which consisted only of her apartment and the contents.

54. Plaintiff told her mother often that she did not want the apartment, but Taschereau went ahead anyway to secure the “rights to survivorship” for Plaintiff without telling Plaintiff. EXHIBIT 8

55. Suddenly, after working at a concert at MAPC all day, Taschereau died in her sleep on March 15, 1998. Plaintiff heard about this from the live-in caregiver in her mother’s

apartment, and she went to the apartment as soon as her children went to school. About one hour after arriving there, Plaintiff called Charles Amstein, MAPC Associate Pastor, who told her that he would take care of “everything”. He called the funeral director of the church to cremate the body. Upon information and belief, when he returned to the Church, he called GUIDE ONE INSURANCE COMPANY and WASSERMAN to pursue the “interests of the Church”.

56. On March 17, 1998 Plaintiff filed the 1997 Will in the Surrogate’s Court, with a request for probate.

57. On March 17, 1998 Plaintiff received her first telephone call from a man named Mr. Kenneth Wasserman (“WASSERMAN”), who told Plaintiff that he was DANGER’S lawyer. He told Plaintiff “You are going to be sorry, you will regret not sharing the apartment with your sister”; Plaintiff kept asking him, “Who are you?”

58. Wasserman started calling Plaintiff up 3-4 times/week, screaming threats and curses, such as “We are going to get you for this”; “We will bury you”; “We know what you did,” and other such words.

59. In April, 1998, DANGER was barred from the apartment building by the Coop Board due to her drunken and disorderly conduct, but Plaintiff allowed her to enter with WASSERMAN in order to sort through the stuff in the apartment..

60. From April to June 1998 DANGER and WASSERMAN removed all the valuable property from Taschereau’s apartment and gave it to be stored in the home of Lawrence and Martha Mark, in Croton. Nothing of value was left inside the apartment. In August 1997 Danger had removed priceless letters from the apartment of Taschereau that belong to the estate. Plaintiff’s mother begged Plaintiff for help in getting these letters back from

her sister, Danger. After the death of their mother, at her deposition in 2000, Danger brought Xerox copies of the missing letters and said on the record that the originals were in Paris, but she did not know how she had gotten hold of them.

61. In June 1998, Plaintiff went to the apartment and found WASSERMAN with a cart filled with the property from inside the apartment. She demanded that he tell her where he was going with this property, and he told her that it was none of her business, and verbally attacked her with menacing comments such as “Try to stop me”, “we’ll take care of you, you’ll see”, and other such comments. WASSERMAN told ANDERSON and Amstein that Plaintiff had stolen money “up to six figures” from the Taschereau bank account to pay her own credit cards. Amstein emailed this news to ANDERSON in June, 1998, and from this point on, Plaintiff’s name was brought up at all Session meetings at MAPC, and at the Presbytery. Plaintiff had become a thief in the eyes of her Church.

62. On March 22, 1998 Plaintiff received Taschereau’s ashes from the MAPC funeral director. Too upset to touch them, Plaintiff called Associate Pastor Charles Amstein (“Chuck”) and asked him to hold them for a few days.

63. Plaintiff did not know that on March 31, the day after Taschereau’s memorial service at MAPC the Session of MAPC would vote her off of the membership roll of the church after almost 40 years of membership. Amstein wrote her a letter in April telling her that he had to get Plaintiff and her sister together by throwing both off of the active membership list. This letter was followed by another on May 12, 1998, from Charles Amstein to Plaintiff, telling her that if she reconciled with her sister Julia DANGER, then she would be placed back on the membership roll.

64. In June, 1998 Plaintiff filed a complaint with the Presbytery of NYC at 475 Riverside Drive. The day Plaintiff filed her complaint the clerk told her that Fred ANDERSON had violated all of the rules of the PRESBYTERY by never giving any minutes of any meetings, or financial information, to the Presbytery.

65. In July 1998 Plaintiff's "trial" began in front of an ecclesiastical panel at the PRESBYTERY, the Permanent Judicial Commission, on whether or not Plaintiff could get her membership back. Plaintiff was told by a source on Session that the reason for her removal from the membership was because GUIDE ONE INSURANCE COMPANY had a duty of care for all members, and they were not interested in insuring Plaintiff for any claim she might have for damages. GUIDE ONE INSURANCE COMPANY has no duty-to-defend MAPC for withholding the ashes, so they had to create a character assassination of Plaintiff in order to divert attention away from the land and construction deals that the MAPC membership knows nothing about.

66. The ecclesiastic trial lasted 1 year. In July, 1999, Plaintiff regained her status as an active member of MAPC, and at the end of the month she sued ANDERSON and AMSTEIN in New York State Supreme Court for withholding her mother's ashes from her for eight days July 30-August 7, 1998, an actionable tort in New York State. In August 1998 WASSERMAN had told Amstein not to give Plaintiff her mother's ashes, that Plaintiff would bury Taschereau's ashes without DANGER because Plaintiff "hated" DANGER and because Plaintiff was an abusive, revengeful person. Amstein told Plaintiff that he would give her ½ of the ashes, if he did not hear from DANGER. He gave them back to Plaintiff on August 7, 1998, with a note on top of the box that he had to keep the ashes until DANGER told him to give them to Plaintiff. The case went to trial

in March, 2004, with LANDSMAN as the Attorney for Plaintiff. The presiding Judge, Lottie Wilkins, threatened Plaintiff while she was on the stand, telling her that she “better not say anything about a church”. The jury recommended an award of \$300,000, and suddenly Wilkins declared a mistrial, and ordered Plaintiff and the Church Attorney back into her courtroom in “one hour, with a new jury”. The Church got a postponement for two weeks so that they could fly in Julia DANGER, who cried on the stand saying that Plaintiff was such a horrible person that she was going to bury the ashes without her, and took their mother’s money for her own use (the Wasserman fairy tale). The second jury came back with a verdict that the Church , ANDERSON, and Amstein were liable for withholding Plaintiff’s mother’s ashes from her, but they were “justified” in doing so. Plaintiff appealed to the FIRST DEPARTMENT APPELLATE DIVISION, but was denied a new trial because, the Dept. wrote, withholding the ashes for a brief eight days was “justified under the circumstances”. This decision became the standard for the Surrogate Court in the matter of the ashes. Plaintiff was permanently defamed.

67. On March 15, 2005, Plaintiff saw a secret memo from WASSERMAN in the file of the ashes case at the APPELLATE DIVISION, FIRST DEPARTMENT, and she took a picture of the caption before RAMOS grabbed it out of her hand and ripped it into tiny little pieces, saying “You were not supposed to see that”. EXHIBIT 4.

Meanwhile, WASSERMAN told Plaintiff’s lawyer that he was going to file Objections To Probate of the 1997 Will, and demanded a deposition of Plaintiff in 1999. Plaintiff agreed, and then was placed into a deplorable situation of being verbally abused in 1999-2000 for more than twenty-five hours by WASSERMAN. Plaintiff’s lawyer asked to be removed from the case, and Plaintiff hired UNCYK and KOFSKY as her new attorneys.



68. In June, 1999 WASSERMAN contacted SANTAMARINA at the Surrogate Court, and arranged to keep the Matter of the Estate of Julia Taschereau with Judge Rene Roth. In November 2005 Plaintiff found the personal note written by SANTAMARINA to WASSERMAN. EXHIBIT 9

69. On February 15, 2000 WASSERMAN sent Plaintiff's Attorney UNCYK and KOFSKY an unverified two-page document called "Objections To Probate". These papers were never filed in the Surrogate's Court. This paper – "Objections To Probate" remained an unverified document that is not a petition, in defiance of SCPA §202, 207, 303, until the first day of the bench trial in Surrogate Court, August 4, 2009, the day that Julia DANGER submitted her Verification, so the trial could go forward without a jury. In this document, WASSERMAN writes he is the "Attorney For Julia Danger", and he claims truth in baseless and unproven allegations of lack of testamentary capacity on the part of Taschereau, and undue influence over her by Plaintiff. WASSERMAN also never filed any of the 1404 depositions of the attesting witnesses to the signing of the 1997 Will by Julia Taschereau, and these 1404s were filed on September 14, 2009, the last day of the bench trial on the Probate of the Taschereau Will before WEBBER.

70. Thus in June 1999, WASSERMAN obtained the partnership of Defendant SANTAMARINA in fixing the as yet unfiled objections to probate he was making up.

71. Soon after, in December 1999, WASSERMAN secretly filed a case "Danger v Combier" saying that Elizabeth Combier had somehow fraudulently taken money from the Trust and Combier had to give \$25001 back to Danger, with \$2 million in damages. He did not put Bankers Trust in the case, therefore he created a "Derivative Trust case" that cannot exist. New York State Supreme Court Judge Beatrice Shainswit dismissed the

case immediately, then took back her decision on re-argument of WASSERMAN, and sent it to Civil Court on a 325(d). Six months later, she grabbed it back, saying she had made an error, and sent the case to Surrogate's Court where it did not belong. From 2000-2006 Judge ROTH kept the matter "Danger v Combier" in the court and forced Plaintiff to pay her attorneys, first UNCYK/KOFSKY and then LANDSMAN, to pursue her interests. Plaintiff demanded that her attorneys end the case, but they refused. In 2005 Plaintiff fired LANDSMAN, and ROTH then ordered her to pay him \$7600 to get her records back. Plaintiff refused to pay him for his fraud. From 2003 to 2005 SANTAMARINA and WASSERMAN called Plaintiff at home to yell and scream at her that she would win the Will contest, but not the "Danger case" and she 'better' give her sister \$375,000+ or else". Plaintiff knew as of 2005 that the case Danger v Combier did not have any validity in fact or law, and taped these harassing telephone calls. In July 2006 Judge ROTH ordered the matter Danger v Combier to New York State Supreme Court as the Surrogate's Court had no jurisdiction to hear it. The case was put into the computer and on the docket of MOSKOWITZ. From September 2006 to December 2007 when Plaintiff's Motion To Dismiss was granted with prejudice, MOSKOWITZ threatened Plaintiff with contempt, a trial, and a judgment against her, because she did not appear in court with WASSERMAN, who kept asking for sanctions for Plaintiff. After the matter was dismissed with prejudice, WASSERMAN Filed an appeal to the Appellate Division, and Plaintiff submitted papers which got the case permanently dismissed on October 1, 2009. Nine years too late. EXHIBIT 7

72. From 2000-2004 the depositions of the witnesses to the signing of the Will dated Nov. 21, 1997 were taken but never filed in Surrogate's Court. The Deposition of the

case immediately, then took back her decision on re-argument of WASSERMAN, and sent it to Civil Court on a 325(d). Six months later, she grabbed it back, saying she had made an error, and sent the case to Surrogate's Court where it did not belong. From 2000-2006 Judge ROTH kept the matter "Danger v Combier" in the court and forced Plaintiff to pay her attorneys, first UNCYK/KOFSKY and then LANDSMAN, to pursue her interests. Plaintiff demanded that her attorneys end the case, but they refused. In 2005 Plaintiff fired LANDSMAN, and ROTH then ordered her to pay him \$7600+ to get her records back. Plaintiff refused to pay him for his fraud. From 2003 to 2005 SANTAMARINA and WASSERMAN called Plaintiff at home to yell and scream at her that she would win the Will contest, but not the "Danger case" and she 'better' give her sister \$375,000+ or else". Plaintiff knew as of 2005 that the case Danger v Combier did not have any validity in fact or law, and taped these harassing telephone calls. In July 2006 Judge ROTH ordered the matter Danger v Combier to New York State Supreme Court as the Surrogate's Court had no jurisdiction to hear it. The case was put into the computer and on the docket of MOSKOWITZ. From September 2006 to December 2007 when Plaintiff's Motion To Dismiss was granted with prejudice, MOSKOWITZ threatened Plaintiff with contempt, a trial, and a judgment against her, because she did not appear in court with WASSERMAN, who kept asking for sanctions for Plaintiff. After the matter was dismissed with prejudice, WASSERMAN Filed an appeal to the Appellate Division, and Plaintiff submitted papers which got the case permanently dismissed on October 1, 2009. Nine years too late. EXHIBIT 10

72. From 2000-2004 the depositions of the witnesses to the signing of the Will dated Nov. 21, 1997 were taken but never filed in Surrogate's Court. The Deposition of the

Attorney was taken as well, and all the originals remained hidden in the office of WASSERMAN, so that Plaintiff could not file a Petition for Summary Judgment or note of issue.

All the witnesses to the signing of the Will validated that Taschereau was aware of the terms in the Will, wanted to sign it, and she was competent to know what she was signing.

73. On July 21, 2006, Plaintiff received an order from then Surrogate Judge ROTH and signed by Jane Passenant stating that Plaintiff's mother died "intestate" and therefore all the property left by Julia Taschereau would now be under the control of the Public Administrator, Ethel Griffin. (See EXHIBIT 2)

74. Plaintiff went into heart failure. She was three days in Lenox Hill Hospital on a heart monitor and was released on July 24, 2006. In August Plaintiff filed a police complaint against the harassment of Wasserman. This experience left permanent emotional and physical scars on Plaintiff.

75. Upon leaving the hospital and returning home, Plaintiff also called Mr. Peter Schram, the Attorney for Ethel Griffin, and he told her that he had a copy of the Will, he read the terms, and said that he could now take over because "the Judge [Roth] told him to".

76. Plaintiff has color photos taken in 2005 of the property stolen from her mother's apartment in 1998 by Wasserman and placed in a garage in Croton. Mr. Schram and the Public Administrator have done nothing to preserve this property for Plaintiff. The property may have the value of \$500,000+, but has not been assessed. WASSERMAN and SCHRAM discuss the property together without Plaintiff, as SCHRAM told Plaintiff,

and they have decided that the property is not worth anything. WASSERMAN wrote Plaintiff that there is no need to do an assessment.

77. In or about April 2006 Plaintiff received a call from a man who said his name was "Bill Jorgenson", from the Attorney General's office. Jorgenson told Plaintiff never to come to the Attorney General's office again with any matter related to the Supreme Court action.

78.. In March, 2009, Plaintiff received a Notice that the new, Interim Acting Surrogate Court Judge Troy Webber requested a status conference with a law Department Attorney on April 1, 2009, 10:30 AM. On or about March 25 2009 Plaintiff filed a Request For a Court Reporter at the Pre-Trial Hearing scheduled in front of Judge Troy WEBBER on April 1, 2009. The Surrogate Court is a court of record and this request could not be seen as frivolous. Plaintiff has filed the same request since 2006 when she had heart failure and found out that WASSERMAN was paid by the Court to harass her. Plaintiff was told in WEBBER's Chambers by her Assistants that the request had been granted.

She went to the court for the Conference, with two colleagues. Upon arrival on the fifth floor of the Surrogate Court, a Court Officer, "Randy Dash" (badge 4689) screamed at Plaintiff to "get into the courtroom right now". He then pushed Plaintiff into the court, closed the door on the two colleagues, and imprisoned her inside. EXHIBIT 11.

WEBBER said that she could not leave, and that she could not have her colleagues enter, unless they were doctors for her heart condition. For the next hour and a half, WEBBER refused to listen to a word that Plaintiff said, that she had given WASSERMAN all the discovery he had asked for and she had never been given anything. WEBBER told Plaintiff and SCHRAM and WASSERMAN that she was scheduling a trial. Plaintiff

asked for a jury trial. WEBBER told her to write a motion. Plaintiff told her that she had already asked for a trial, but WASSERMAN denied this, and said that he had not asked for a trial in his note of issue. Plaintiff had filed for a trial by jury in 2007, but this was denied by the APPELATE COURT. WEBBER told Plaintiff that if she posted the tape of the hearing on her website or in the media, that WEBBER would hold her in contempt.

79. On April 10, 2009, Plaintiff and her colleagues, one of whom is a recording engineer, came to Surrogate Court to get a copy of the tape from the April 1, 2009 hearing. Plaintiff not only got a copy from the court, but Mark Sabel in Personnel allowed her to make an audiotape of the tape, so that she has the copy of the April 1 2009 hearing in two formats. Plaintiff made a transcript, and on June 8, 2009 sued WEBBER, SANTAMARINA, WASSERMAN, and DANGER in District Court for false imprisonment, and violations of her First Amendment rights. EXHIBIT 12.

80. WEBBER was served and informed on June 9, 2009. She retaliated against Plaintiff by ordering a trial to start on August 4, 2009 without a jury. Plaintiff was on trial from August 4, 2009 until September 14, 2009, and every day WEBBER, SANTAMARINA, WASSERMAN and DANGER made fun of her, insulted her, and violated her rights to a fair and unbiased hearing.

81. WASSERMAN contacted Lenox Hill Hospital about the injuries Julia Taschereau suffered on July 25, 1997, and the records from the emergency room visit were "lost" by Lenox Hill. These records were "found" after the trial by Plaintiff insisting that Lenox Hill must have these records, which have in them that Julia Danger harmed her mother Julia Taschereau. This material fact should have been presented to a jury, and Plaintiff alleges that this trial violated her Seventh Amendment right to a trial by jury. The sole

reason for WEBBER to have a trial before her while she is being sued, is to retaliate against Plaintiff for her whistleblowing the civil RICO that she has now published.

82. Plaintiff has been subjected to threats by the Surrogate as undeniable proof of the partnership of the Defendants in defaming Plaintiff, filing frivolous lawsuits, alleging malicious lies, and deliberately attempting to harm Plaintiff so that they, Defendants, can keep the stolen property still kept in Croton and under the control of the Public Administrator and Defendant MARK.

83. WASSERMAN has made himself a Respondent and for all intents and purposes, acts as he were Julia DANGER. None of his papers have the signature of DANGER. Judiciary Law §487 forbids this type of legal malpractice.

84. On April 1, 2009 Plaintiff left the courtroom in great emotional and physical distress. Fortunately, both her colleague were outside the door, waiting for two hours to join her. They both noticed the Court officer with the woman who had taped the hearing, and in his hand was a CPR machine. Plaintiff realized that Defendants intended on doing harm to her, possibly to the extent of having heart problems while imprisoned in WEBBER's Courtroom.

### CONCLUSION

85. Defendants' purpose over the past eleven years was to crush Plaintiff, defame her, and deny Plaintiff her lawful and protected rights to freedom of speech, freedom of religion, to obtain her mother's ashes, to property given to her in the Will of her mother, and other civil rights and protections pursuant to both State and Federal statutes. Plaintiff wrote about these actions in an article published in 2005, "*Without A Prayer For Relief*".

Defendants' unlawful acts committed *ultra vires* by the state actors under color of state law, and private actors, climaxed in the scheduling of a trial without a jury in Surrogate Court before Defendants TROY WEBBER and MARY SANTAMARINA on August 4, 2009. This trial was scheduled without a foundation in fact or law to retaliate against Plaintiff for her writing about Defendants and the violation of state and federal laws from 1998 to the present. Upon information and belief Plaintiff has been harassed by Defendants for her commitment to exposing the actions of Defendant ANDERSON, Pastor of Madison Avenue Presbyterian Church ("MAPC") and The Presbytery of New York City as they conspired to use the church property – including the manse and any other property designated by Defendants as collateral - to finance real estate deals and fraudulently bill the congregation two or three times the proper amount for building repairs.

86. Defendants had eleven years to order that DANGER file a Verification of the Objections to Probate of the 1997 Will of Plaintiff's mother, Julia Taschereau ("Will") who died during the night of March 15-16 1998. Defendant WASSERMAN in February 2000, yet did not do so until a Verification was presented and approved by Surrogate Court as valid on August 4, 2009, the first day of trial, nine years too late, and subject to laches.

87. Defendants also acted in concert to ignore the fact that the Samuel Strauss Trust at Banker's Trust Company ended in July 1999 with the signing of a notarized agreement between DANGER and COMBIER, and there was no Trust in existence from that date, yet the matter "Danger v Combiere" remained in the Unified Court System until October 1, 2009.



88. On April 1, 2009, Plaintiff was locked in Surrogate courtroom 510 by Surrogate Webber with Defendants Wasserman, Schram and Santamarina, and was threatened with contempt of court if she posted the tape recording of the April 1 hearing on her website, or in the media, and her statements concerning her compliance with discovery and inspection requests for eleven years were ignored.

89. Defendants have shown frivolous conduct and flagrant disregard, actionable negligence and fraud pursuant to §130-1.1:

(a) that is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;

(b) that is undertaken primarily to delay or prolong the resolution of the litigation, and to harass or maliciously injure another;

(3) that asserts material factual statements that are false.

On the question of federal courts acting as an intervenor in a state court action (The Constitutional Law of the United States):

“It is, however, not quite correct to say that the two judicial systems are "entirely independent in their sphere of action." It is true that the state courts are wholly without power in any way to control the operations of the federal courts, but the reverse is not true. . . Furthermore the federal courts possess the right to protect their own jurisdictional rights or the rights of parties to suits before them by restraining orders forbidding proceedings in the state courts.

...the federal courts have not hesitated to enjoin proceedings in state courts where this has been necessary to preserve their own jurisdictional rights, or to protect individuals in their federal rights. ...A court of the United States is not prevented from enforcing its own judgments by the statute which forbids it to grant a writ of injunction to stay proceedings in a state court." Where, however, the act ordered is one unconnected with his official state duties, the fact that an individual is a state functionary would not exempt him from the mandatory power of the federal courts.”

90. Plaintiff Pro Se requests this Court's notice of the following: that Plaintiff has tried her best to file a pleading that is in accordance with Rule 8(a)(2), and asks that this court review the complaint in light of this as a best effort made in good faith; and that any consideration of a Rule 12(b)(6) dismissal for failure to state a claim upon which relief can be granted requires that a Court accept as true all well-pled factual allegations within and outside the pleadings, since a motion to dismiss for failure to state a claim tests only the legal sufficiency of a complaint, and a plaintiff is thus required to allege only enough facts to state a claim to relief that is plausible on its face. Plaintiff has, she alleges, met this standard to the best of her ability and the instant second amended complaint cannot be dismissed.

91. Defendants have shown a conscious disregard for the rights and reputation of Plaintiff and acted so recklessly as to amount to such disregard. New York State public policy prohibits insurance indemnification for punitive damage awards and prohibits insurance coverage for punitive damages assessed against New York insureds.

92. As a result of Plaintiff's reporting as required by journalists and reporters in the press, on fraudulent conduct of Defendants in the Surrogate Court inside and outside the Court from 1992 to the present, Plaintiff was and continues to be subjected to the intentional infliction of emotional harm, verbal assault, ethical misconduct, denial of her rights to free speech and assembly, retaliatory harassment and constitutional torts involving rights to liberty, property and freedom of the press from prior restraint.

Plaintiff respectfully submits her statement on RICO IN THE NEW YORK STATE UNIFIED COURT SYSTEM in Exhibit 13 which is attached to this Amended Complaint.

**FIRST CAUSE OF ACTION**

**Violation/Interference with Constitutionally Protected Rights – 1<sup>st</sup>, 5<sup>th</sup>, 7<sup>th</sup> & 14<sup>th</sup> Amendments; 42 U.S.C §1983 et seq.; Freedom of Speech and Association; Due Process and Equal Protection Rights; Undeniable Right to a Trial By Jury**

93. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 92 as though fully set forth herein.

94. Since 2005 there has been a conspiracy established involving the Defendants with the sole purpose of denying the probate of the 1997 Will of Julia Taschereau. The conduct and actions of Defendants in retaliating against Plaintiff and subjecting her to assault, ethical misconduct, violations of her due process, press, and equal rights under the U.S. Constitution and the laws of the State and City of New York, were and continue to be – including the imprisonment in the Webber Courtroom on April 1, 2009 and the threats of “contempt of court” for posting anything on Plaintiff’s website or blog – unlawful, oppressive and a malicious attempt to retaliate against her for having exercised her Constitutional Right of Free Speech as a private citizen regarding matters of public concern and to deprive her of that right in violation of 42 U.S.C §1983, TITLE 42 CHAPTER 21 SUBCHAPTER I § 1985(2), (3), the First, Fifth, Seventh and Fourteenth Amendments to the Constitution, Civil Rights Law §79-h, Article I, § 8 of the New York State Constitution, Title 28: part iv; chapter 85; § 1343, and 28 U.S.C. §1331, 28 U.S.C §1367, Judiciary Codes of Conduct, Judiciary Law §487, and other State law claims as they relate to Plaintiff’s right to a trial by jury, freedom of speech, assembly, open

courts, and rights of liberty and property as well as freedom from malice in law, malicious prosecution, and the intentional infliction of emotional harm.

95. Defendants' infringement upon and violation of Plaintiff's rights protected under the statutes listed above was and is intended to harm Plaintiff as a reporter/whistleblower of fraud and corruption, and to place a chilling effect upon the exercise of such rights by Plaintiff and other persons as is their right, as provided by the U.S. Constitution and exercise of such rights.

96. Defendants' conduct and actions are intentional, malicious, taken with deliberate indifference and or reckless disregard for the natural and probable consequences – given the already documented heart failure of Plaintiff on July 21, 2006, upon receiving the changing of the Will of her mother by the Surrogate Court – and without lawful justification or reason.

97. Defendants Webber, Wasserman and Santamarina cannot claim Eleventh Amendment immunity as there is no personal or subject matter jurisdiction for their verbal harassment, imprisonment, defamation, slander, libel, changing the 1997 Taschereau Will without cause or reason, and pursuing a non-existent case called "Danger v Combier".

104. Defendants Webber, Santamarina, and Wasserman's conduct and actions were committed by individuals who were final policy makers and acting under the color of law.

98. Defendants Webber, Santamarina, Danger and Wasserman's conduct and actions created a hostile environment in the Court so that Plaintiff would suffer harmful consequences starting in March 1998 and continuing without interruption until the

present, June 2009, and therefore created a continuing violation as well as a pattern and practice of abuse.

99. Defendants failed to intervene, prevent, or correct the conduct and actions that deprived Plaintiff of her Constitutional rights, and indeed, changed the Index number of “Danger v Combier” to place the case in the Surrogate and the Supreme Court without jurisdiction in revenge for Plaintiff’s work as a reporter/advocate.

100. As a direct result of Defendants actions described herein, Plaintiff has suffered and continues to suffer fear, trauma, emotional distress, mental anguish, loss of income, and loss of her health.

101. As a result of the Defendants’ eleven-year crusade to maliciously harm Plaintiff, Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish and is entitled to damages sustained to date and continuing in excess of \$2 million dollars as well as punitive damages and costs.

**SECOND CAUSE OF ACTION**  
**Intentional and Negligent Infliction of Emotional Distress , Verbal Harassment, and**  
**False Imprisonment With Unjustified Threats of Future Harm**

102. Plaintiff repeats and re-alleges each of the allegations as set forth above in paragraphs 1 through 101 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

103. Plaintiff was subjected to imprisonment inside the Courtroom of the Surrogate Webber on April 1, 2009, and Plaintiff was subjected to emotional and psychological dangers and intimidation. Webber told Plaintiff that if she posted the tape or transcript on her website that she [Webber] would hold her in “contempt of court”. The SCPA does not have an entry for such a threat. Defendants intended to confine Plaintiff on April 1, 2009;

the Plaintiff was conscious of the confinement; the Plaintiff did not consent to the confinement; the confinement was not otherwise privileged. Plaintiff has been subjected to extreme and outrageous conduct by Defendants, whose intent is to cause – or recklessly disregard the substantial probability of causing – severe emotional distress; severe emotional distress to the plaintiff is shown to be proximately caused by the Defendants' conduct; Damages have been severe, to Plaintiff's heart, and her well-being, after heart failure on July 21, 2006. These acts created an unreasonable risk of causing the Plaintiff emotional distress; the Plaintiff's emotional distress was foreseeable; the defendants' conduct was the cause of the Plaintiff's emotional distress; and facts show there is a breach of direct duty of care to the Plaintiff which results in the Plaintiff's being unreasonably placed in fear of physical harm.

104. On October 26, 2007, and November 5, 2007, Surrogate Roth also imprisoned Plaintiff in the same Courtroom in order to intimidate, harass, and threaten Plaintiff into giving up seeking the Probate of the 1997 Will of Julia Taschereau. Roth told Plaintiff on or about October 12, 2007, that if she did not come to her courtroom for a deposition on the *Danger v Combier* case, she [Roth] would not Probate the 1997 Will of Taschereau.

105. On October 25, 2007, Plaintiff went to her doctor's office, crying, and told her doctor that she was severely traumatized by the Surrogate Court and Kenneth Wasserman, and was afraid for her life, after her heart failure in July of 2006. Her doctor wrote a note to the Judge, saying that it was imperative that Plaintiff not be alone with Wasserman, but keep her two associates, Alan and Marcia, with her at all times.

106. Seconds after entering the courtroom Room 510, Plaintiff was pushed inside by Court officer with badge number 4689, and her two colleagues were prevented from

entering. Then, Plaintiff's cell phone was grabbed from her hand so that she could not call for help. Judge Roth laughed at her when she asked for her two associates and showed the doctor's note. Roth told her, "if you do not submit to this deposition right now I will not probate your mother's Will". Court officer with badge number 4689 put his hand on his gun. Plaintiff felt as if she would have a physical traumatic event, but she had to sit down. She continued until 3PM, and was attacked by Wasserman for saying she was not feeling well. The Court demanded another day, November 5.

107. On November 5 the same events occurred. However, Plaintiff brought with her the CPLR and SCPA, to show the Judge that the Uniform Rules were being broken and that her rights were being denied. Defendant Santamarina and law secretary Dorothy Henderson laughed. They both insisted that as Plaintiff was not an Attorney, she was stupid and could not cite the law with any understanding.

108. The deposition was on issues concerning the Samuel Strauss Trust at Banker's Trust, which Judge Roth had thrown out of her court in July 2006 because she had no subject matter jurisdiction over the Trust, which had ended in 1999 and was not part of the Taschereau estate.

109. Defendants used the tactic of imprisonment, harassment via personal attacks and intimidation in order that Plaintiff give up fighting for her mother's 1997 Will, stop writing about the corruption of the courts and at MAPC, and be forever silent.

110. As a result of this retaliation, intimidation, and abuse, Plaintiff has been irrevocably harmed both emotionally and physically, and demands judgment against Defendants an amount more than \$5 million, or to be determined by a jury of her peers, who she prays will understand the torture that eleven years of this treatment has cause her and her

family, all without basis in fact or law, and without personal or subject matter jurisdiction.

**THIRD CAUSE OF ACTION**  
**WHISTLEBLOWER RETALIATION**  
**18 U.S.C. §1986 Action For Neglect To Prevent; Defamation**

111. Plaintiff repeats and re-alleges each of the allegations as set forth above in paragraphs 1 through 110 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

112. Plaintiff has been a reporter of news for more than thirty years, and an advocate for those without a voice for almost as long. She has written reports on the fraud and corruption of the Courts for almost eight years, and spoke on Capitol Hill about this matter in May 2007. This report is online and on YouTube.

113. Guide One Insurance Company, the insurer of Madison Avenue Presbyterian Church, and the entity that pays Mr. Wasserman at least partially, to harass me, Plaintiff, was so furious with the information that Plaintiff had on the fraud at MAPC that the President filed for an Order of Prior Restraint against her [Plaintiff] in November, 2005. Plaintiff wrote a brief on her First Amendment rights and won dismissal within ten minutes in Supreme Court. Defendants have painted a picture of Plaintiff as a person who cared nothing for her mother, to the extent that she left her mother destitute while using the money to enjoy a wealthy lifestyle paid by Plaintiff's credit cards; this falsity was published to Plaintiff's Church and members, and the publication of the lies were made with malice, recklessness, gross negligence, and gross irresponsibility..

114. After all the 10 years of writing about this matter and Defendants' actions, not one individual has sued Plaintiff for libel, because they all know that Plaintiff is correct in



what she publishes. DEFENDANTS are required to provide relief for the actions that are in violation of the U.S. and State Constitutions, yet have not done anything but attack Plaintiff for what they should be doing.

115. One day after the death of her mother on March 16, 1998, Plaintiff received a telephone call from Mr. Kenneth Wasserman, telling her in a threatening tone that she “will be sorry that she ever received the apartment” from her mother.

116. From that day to the present, Wasserman has made himself a respondent in every matter that Plaintiff has been involved in. She discovered secret memos from Wasserman at the Appellate Division, First Department, saying Wasserman was a “RESPONDENT-APPOINTMENT-PRO SE in the case involving the Church’s withholding of the ashes of her mother from Plaintiff. Mr. Wasserman told the Church to do that.

117. Defendant Danger said in her deposition that she knew nothing about the undo influence of Plaintiff, that she was told about it by her Attorney, who was told about this from the Executor-in-training, the choir director of the Church, John Weaver, and his wife Maryanne.

118. Wasserman interrupted Danger to say that she wouldn’t know about it because it was legal stuff, and she lived in France. However, this argument fails to stand up to scrutiny, as Danger stayed in the apartment of Julia Taschereau whenever she came from France for a visit, every summer. Plaintiff did not live with her mom, and only protected her from assassination at the hands of Danger, who beat her mother continuously.

119. The specific forms of retaliation against Plaintiff take the following forms:

- setting up a case called “Danger v Combier” by placing the case into the Supreme Court computer, and never serving Plaintiff, due to the Settlement Agreement being signed in 1999 and the Trust ended at that time;
- changing the 1997 Will of Taschereau to not existing, so that the property could be given away to Ethel Griffin;
- breach of contract in “Danger v Combier” incurring more than \$100,000 in legal fees from Plaintiff for a case not based on fact or law;
- three years of harassing telephone calls from Defendants Santamarina and Wasserman
- imprisonment alone in the Courtroom of Roth, then Webber, to be threatened with Contempt and denial of probate of the 1997 Will.

120. As a result of this retaliation, Defendants ordered, on July 17, 2009, a Trial on the validity of the Taschereau Will suddenly to take place on August 4, 2009 in Surrogate Court without a jury. Plaintiff has been irrevocably harmed both emotionally and physically, and demands judgment against Defendants an amount not less than \$15 million, or to be determined by a jury of her peers, who she prays will understand the torture that eleven years of this treatment has cause her and her family, all without basis in fact or law, and without personal or subject matter jurisdiction.

**FOURTH CAUSE OF ACTION**

**42 U.S.C. §1983 – STATE AND MUNICIPAL VIOLATIONS; 18 U.S.C. §241, §242, §201, §641, §1341, §1343, §1443, §§1512, 1513, 1515**  
**Deprivation of Rights Under Color of Law; Misrepresentation**  
**New York State Civil Rights Law §§70, 76-a, 79-h**

121. Plaintiff repeats and re-alleges the allegations et forth in paragraphs 1 through 120 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

122. Defendant Danger signed and notarized an agreement that is binding, settling the Samuel Strauss Trust in June, 1999. Later that year Wasserman secretly filed a case “Danger v Combier” that in effect said that this contract was no good. This false representation was made as a statement of fact, as was the fact that Julia Taschereau was a Co-Trustee of the Samuel Strauss Trust, yet Wasserman said the only Trustee was Banker’s Trust; Defendants statements were untrue and known to be untrue as they relate to “Danger v Combier” as a valid case, or the “Objections To Probate” being also valid even though the paper was not verified until August 2009; Defendants made the statements so that Plaintiff was forced to act upon them, to her injury for doing so.

123. However, the Surrogate, Supreme, and now Appellate Courts paid Wasserman to pursue this case costing Plaintiff hundreds of thousands of dollars in legal fees.

124. Defendants, acting under color of law, have engaged in a course of action and behavior rising to the level of a policy and condoned practice, and this has deprived Plaintiff of her rights secured by the Constitution and laws in violation of 42 U.S.C. §1983.

125. It can be said that to condone lies, false documentation, the changing of Index numbers, lawsuits without foundation and/or evidence is contrary to Municipal Law and Public Officers Law.

126. Defendant Danger has, upon information and belief, played along with the Defendants Wasserman, Santamarina, and Webber, to see what, if any, harm she is able to do to her sister, Plaintiff, who she has hated for her entire life. Plaintiff defended their mother against the brutal emotional and physical assaults of Julia Danger, an alcoholic. Danger signed the agreement ending the Strauss Trust in June, 1999, took the money,

then permitted Defendant Wasserman to fabricate lies about Plaintiff that cost her more than \$500,000 in attorney fees, loss of income, and emotional trauma.

127. As a result of the Defendants' eleven-year crusade to maliciously harm Plaintiff, Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish and is entitled to damages sustained to date and continuing in excess of \$2 million dollars as well as punitive damages and costs.

**FIFTH CAUSE OF ACTION**  
**42 U.S.C. §1985 and Abuse of Process**

128. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 127 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

129. Defendants, and each of them conspired to deprive Plaintiff of her First, Fifth, Seventh and Fourteenth Amendment rights, and jointly caused such deprivation of rights by acting in concert to unlawfully and silence Plaintiff as described above. EXHIBIT 12

130. Such actions by Defendants denied Plaintiff equal protection under the law, based on Plaintiff being a reporter and whistleblower. All of these rights are guaranteed to the Plaintiff under U.S.C. §§ 1983, 1985, and the Fourteenth Amendment of the US Constitution.

131. Each of the Defendants knowingly separately and in concert acted willfully, knowingly and purposefully with the specific intent to deny Plaintiff the relief she requested, namely to probate her mother's Will. The regularly issued civil process known as "Probate" has been denied Plaintiff for eleven years; Defendants have intended to do harm without excuse or justification; Defendants have used this process in a perverted

manner to obtain a collateral objective, the unlawful interference with Plaintiff's person and property.

132. Defendants Wasserman, Webber, and Santamarina knowingly acted to harm Plaintiff outside of the scope of their jurisdiction and without authorization of law.

133. As a result of the Defendants' eleven-year crusade to maliciously harm Plaintiff, Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish and is entitled to damages sustained to date and continuing in excess of \$10 million dollars as well as punitive damages and costs.

**SIXTH CAUSE OF ACTION**  
**Violations of due process,**  
**and Malicious Prosecution**

134. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 139 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

135 Plaintiff alleges that Defendants willingly and recklessly have acted together to deny Plaintiff her Constitutional rights to due process for eleven years, all to gain control over valuable property. For nine years Plaintiff was subjected to malicious prosecution without the proceeding "Danger v Combier" or "Wasserman's "Objections To Probate" having probable cause at their commencement.

136. Defendants have ignored all the documents and motions submitted by Plaintiff to show that everything she has done is honest, with integrity, and beyond reproach.

142. As a result of this retaliation, intimidation, and abuse, Plaintiff has been irrevocably harmed both emotionally and physically, and demands judgment against Defendants an

amount more than \$5 million, or to be determined by a jury of her peers, who she prays will understand the torture that eleven years of this treatment has cause her and her family, all without basis in fact or law, and without personal or subject matter jurisdiction.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully requests that the Court enter judgment and an Order:

A] First Cause of Action: in excess of \$2 million dollars as well as punitive damages, and costs.

B] Second Cause of Action: in excess of \$5 million dollars as well as punitive damages, and costs.

C] Third Cause of Action: in excess of \$15 million dollars as well as punitive damages, and costs.

D] Fourth Cause of Action: in excess of \$2 million dollars as well as punitive damages, and costs.

E] Fifth Cause of Action: in excess of \$10 million dollars as well as punitive damages, and costs.

F] A declaratory judgment stating that Defendants willfully violated Plaintiff's rights secured by federal and state laws as alleged herein.

G] Injunctive relief: an injunction requiring Defendants to correct, and caese all present and past violations of federal and state law as alleged herein; to enjoin Defendants from continuing to act in violation of federal and state law as stated herein; and to order such other injunctive relief as may be appropriate to prevent any future violations of said federal and state laws;

H] Awarding Plaintiff punitive damages against all individual defendants.

I] An Order granting such other legal and equitable relief as the court deems just and proper.

### **JURY TRIAL IS DEMANDED**

Plaintiff demands a trial by jury on all claims so triable.

Dated: New York, New York  
November 23,, 2009

Respectfully Submitted,

A handwritten signature in cursive script that reads "Elizabeth Combier". The signature is written in black ink and is positioned above the printed name.

Elizabeth Combier  
Plaintiff Pro Se  
315 East 65<sup>th</sup> Street  
New York, NY 10065  
212-794-8902