

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

Index No.

-----X

ANDREW ROBERT RECTOR Plaintiff

SUMMONS

Plaintiff designates Bronx County
as the place of trial.

-against-

The basis of the venue designated is
the Place where the Plaintiff resides.

MAJOR LEAGUE BASEBALL ADVANCED MEDIA
ESPN NEW YORK
NEW YORK YANKEES
DAN SHULMAN
JOHN KRUK

Defendants

-----X


To the above named defendants:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the complaint in this
action and to file and serve a copy of your answer or, if the complaint is not served with this
summons, to serve a notice of appearance on the Plaintiff's Attorney.

If this summons is served upon you within the State of New York by personal service, you must
respond within 20 days after service, not counting the day of service. If this summons is not
personally delivered to you within the State of New York you must respond within 30 days after
service is completed, as provided by law.

If you do not respond to this summons within the applicable time limitation stated above, a
judgment will be entered against you, by default, for the relief demanded, without further notice
to you.

DATED: JULY 3, 2014
Queens, New York


OKWARA & ASSOCIATES P.C.
VALENTINE A. OKWARA ESQ.

2014 JUL -3 PM 1:11
COUNTY CLERK
BRONX COUNTY

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

Index No.

-----X
ANDREW ROBERT RECTOR Plaintiff

VERIFIED COMPLAINT

-against-

MAJOR LEAGUE BASEBALL ADVANCED MEDIA
ESPN NEW YORK
NEW YORK YANKEES
DAN SHULMAN
JOHN KRUK

Defendants

-----X
Plaintiff by his attorney, VALENTINE A. OKWARA ESQ. complaining of the defendants

herein upon information and belief, respectfully shows to this Court, and alleges as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. That at all times hereinafter mentioned, the plaintiff was, and is a resident of the State of New York.

2. At all times hereinafter mentioned, the defendant Major League Baseball Advanced media is a company registered and authorized to do business in New York and it engages as an agency in broadcasts, and commentary of Major league Baseball.

3. At all time material to this suit the defendant ESPN New York (Hereafter ESPN) is a company registered and authorized to do business in New York and one of the institutions that

use the services of the defendant and also broadcast, including commentaries and analysis of Baseball in New York.

4. At all times material to this suit the New York Yankee is a company registered and authorized to do business in New York, engaged in Baseball sports.

5. At all time New York Yankee is the owner of property called "the Yankee Stadium".

6. At all time material to this suit Dan Shulman is employee of ESPN engaged in commentaries and announcement of baseball

7. At all time material to this suit John Kruk is employee of ESPN , engaged in commentaries, analysis and announcement of Baseball for the said defendant.

8. On or about April 13, 2014, the plaintiff was at the rivalry game between the Boston Red Sox and New York Yankee. It is well known that rivalry between the New York Yankees and Boston Red Sox is always the biggest in all of sport. For decades millions of people all over the world turn out or tune in to watch these games. Plaintiff accordingly was at this game.

9. In the course of watching the game plaintiff napped and this opened unending verbal crusade against the napping plaintiff.

10. ESPN Cameras focused on the plaintiff, Announcers like Dan Shulman and John Kruk unleashed avalanche of disparaging words against the person of and concerning the plaintiff. These words, include but not limited to " stupor, fatty , unintelligent , stupid" knowing and intending the same to be heard and listened to by millions of people all over the world, including people that know the plaintiff in person or interacted with the plaintiff.

11.The defendant Major league Baseball continually repeated these vituperative utterances against the plaintiff on the major league baseball web site the next day. These words and its insinuations presented the plaintiff as symbol of anything but failure

12.The defendant MLB.Com continued the onslaught to a point of comparing the plaintiff to someone of a confused state of mind, disgusted disgruntled and unintelligent and probably intellectually bankrupt individual

13.Nothing triggered all these assertions only that the plaintiff briefly slept off while watching the great game something or circumstance any one can easily found them self.

14.John Kruck in his verbal attack insinuated that the plaintiff is individual that know neither history nor understood the beauty or rivalry between Boston Red Sox and New York Yankee.

15.These unmitigated verbal onslaughts crossed the line between reporting on sport and abuse against the plaintiff without reasonable cause or restraint, not just from the literal meaning of all the words or statements but from the unexpressed implication of the statements as well as the pictures and captions like "Sleeping Yankee fan cares not for your Rivalry Talk".

16.Plaintiff assert that defendants are guilty of juxtaposition of a series of fact that imply defamatory connection between them, and in so doing they create a defamatory implication even though the particular fact are connected.

17.Plaintiff alleges that M L B. Com, juxtapositions of photos and text of two men kissing each other and caption "sleeping Yankee's Fan cares not for your rivalry talk" falsely implied that plaintiff engaged in that type of conduct described or portrayed by the picture. In light of all the surrounding circumstances.

18. Plaintiff alleges that the commentaries of the defendant (ESPN) about him placed him before the public in a false light.

19. The information presented by the defendant in website publication was presented in a way that generates false and misleading advertisement about and concerning the plaintiff and this inflicted great mental anguish and distress which the defendant should know is a derivative of such false public exposure especially to hundreds of millions of people that may have listened or watched the defendant commentary.

20. The plaintiff alleges that defendants are ignorant and insensitive of the suffering and severe personal humiliation and damages to his reputation as a result of their commentaries which is not logical and proportional to an issue of legitimate public concern.

21. The reckless or negligent conduct of the defendants, in subjecting plaintiff to unnecessary publicity or attention for no reason, will not be excused by the fact that all or some of the defendants exercised the right of disclosure, since the plaintiff is in a public place. If such right was ever exercised the plaintiff contends that the defendants excised this right in a manner offensive to the balance between the plaintiff's privacy and a matter of legitimate sport reporting, commentaries and analysis.

22. This caricature of the plaintiff would be offensive and objectionable to any reasonable person including even the defendants.

23. In consequence the plaintiff suffered adverse consequence of unimaginable proportion as a result of this publicity considering the fact that millions of people tune in and majority of viewers would in consequence have very low and degrading opinion of the plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION: DEFAMATION.

24. Plaintiff reasserts and realleges paragraphs 1 through 23 as though fully set forth herein.

25. Defendants negligently or maliciously published false, defamatory statement of fact about the plaintiff, a private individual. The false statements include but are not limited to:

- a. Plaintiff is unintelligent and stupid individual.
- b. Plaintiff is not worthy to be fan of the New York Yankee.
- c. Plaintiff is a fatty cow that need two seats at all time and represent symbol of failure.
- d. Plaintiff is a confused disgusted and socially bankrupt individual.
- e. Plaintiff is confused individual that neither understands nor knows anything about history and the meaning of rivalry between Red Sox and New York Yankee.
- f. Plaintiff is so stupid that he cannot differentiate between his house and public place by snoozing throughout the fourth inning of the Yankee game.

26. Plaintiff has suffered substantial injury as a result of the defendants' defamatory statement, including but not limited to character and reputation, mental anguish, loss of future income and loss of earning capacity.

**AS AND FOR A SECOND CAUSE OF ACTION: INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS.**

27. Plaintiff reasserts and realleges paragraphs 1 through 26 as though fully set forth herein.

Plaintiff continues to suffer severe emotional distress because of defendants' extreme and outrageous conduct. Defendants intentionally or recklessly made statements that created a high degree of risk of harm yet deliberately proceeded to act with conscious disregard or indifference to the risk. Specifically, defendants made false statements of facts, insensitive that the defendant is on air and millions of people are watching and hearing these comments. Examples of defendants' outrageous statements include, but are not limited to:

- a. Falsely insinuation that plaintiff is something of a confused individual.
- b. Juxtaposes a series of photos and text falsely implied that plaintiff is engaged in the type of conduct described in the article which is false.
- c. Placing the plaintiff before the public in a false light and that false light would be highly offensive to a reasonable person.

28. Defendants' conduct proximately caused plaintiff emotional distress.

AS AND FOR A THIRD CAUSE OF ACTION: DAMAGES.

29. Plaintiff reasserts and realleges paragraphs 1 through 28 as though fully set forth herein.

30. Plaintiff respectfully requests the following damages to be considered separately for the purpose of determining the sum of money that will fairly and reasonably compensate him:

- a. The loss of reputation and character plaintiff has suffered and will continue to suffer in the future;
- b. The mental anguish plaintiff has suffered and will continue to suffer in the future; and

- c. The loss of earnings sustained by plaintiff in and the loss or reduction of plaintiff's earning capacity in the future.

AS AND FOR A FOURTH CAUSE OF ACTION: EXEMPLARY DAMAGES.

31. Plaintiff reasserts and realleges paragraphs 1 through 30 as though fully set forth herein.

32. Defendants' conduct, when viewed from the standpoint of the actors at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Furthermore, defendant's conduct illustrates not only an attitude of conscious indifference for the rights, safety and welfare of others, but also shows defendants' actual and subjective awareness of the dangers of such conduct.

33. Nevertheless defendants proceeded with a conscious indifference to the rights, safety or welfare of others, including plaintiff. Therefore defendants are liable for exemplary/punitive damages.

34. The maximum amount sought by the plaintiff at this time is \$10,000,000.00

WHEREFORE, the plaintiff ANDREW ROBERT RECTOR, demands judgment, both compensatory and exemplary damages, together with attorney fees and the costs and disbursements of this action, and other reliefs the court may deem just and proper against all the defendants.

Dated: Jamaica, New York

July 3, 2014

A handwritten signature in black ink, appearing to read 'V. Okwara', is written over a horizontal line.

VALENTINE A. OKWARA ESQ.

OKWARA & ASSOCIATES P. C.

35.DATED: Jamaica, New York

VERIFICATION

STATE OF NEW YORK)

)ss:

COUNTY OF BRONX)

ANDREW ROBERT RECTOR, being duly sworn, says:

That I am the Plaintiff in the within action and have read the annexed

SUMMONS AND COMPLAINT

And know the content thereof. That the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and /or information oriented and attributed to other legal sources, and to those matters I believe them to be true. That my belief as to those matters not stated upon knowledge, is based upon facts, records and other pertinent information contained in my personal file.

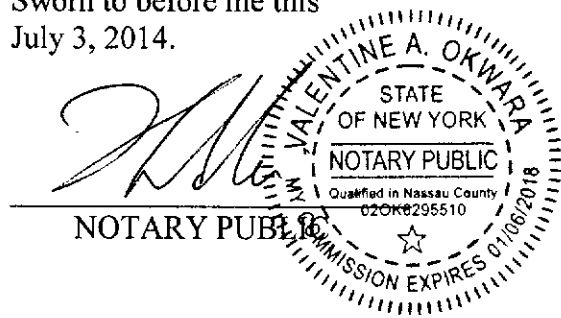
Dated: Bronx, New York

July 3, 2014



ANDREW ROBERT RECTOR

Sworn to before me this
July 3, 2014.



NOTARY PUBLIC

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK, COUNTY OF QUEENS:

I, the undersigned, an attorney admitted to practice in the Courts of New York State, certify, that I am the attorney for the Plaintiff, in the within action; I have read the foregoing SUMMONS & COMPLAINT in the within action and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Investigations, correspondence, contents of files and records maintained in deponent's office and client's records.

I affirm that the foregoing statements are true under the penalties of perjury.

Dated: Queens, New York
July 3, 2014.



VALENTINE A. OKWARA ESQ.