

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
NOELLE FELDMAN,

Plaintiff,

-against-

WILLIAM KNACK,

Defendant.
-----X

Index No.:
Date Purchased:
Plaintiff designates Westchester
County as the place of trial

The basis of the venue is where
Defendant resides and where
cause of action arose

SUMMONS


Defendant resides at:
115 Bedford Road
Chappaqua, New York 10514
County of Westchester

To The Above Named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action, and to 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 Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: White Plains, New York
November 12, 2014

BLEAKLEY PLATT & SCHMIDT, LLP

BY: 
JOHN P. HANNIGAN
Attorneys for Plaintiff, Noelle Feldman
ONE NORTH LEXINGTON AVENUE
P.O. BOX 5056
WHITE PLAINS, NY 10602-5056
(914) 949-2700

Defendant's Address:

William Knack
115 Bedford Road
Chappaqua, NY 10514

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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Index No.:

NOELLE FELDMAN,

Plaintiff,

-against-

COMPLAINT

WILLIAM KNACK,

Defendant.

-----X

Plaintiff, Noelle Feldman, complaining of the Defendant William Knack, by her attorneys Bleakley Platt & Schmidt, LLP, respectfully alleges as follows:

INTRODUCTION

1. This is an action for damages against the Defendant in that the Defendant did willfully, negligently and carelessly sexually assault, batter and rape the Plaintiff while the Plaintiff was under treatment as a patient of the Defendant. Said sexual assault, battery and rape taking place at the Defendant's office during a psychotherapy and counseling session.

VENUE

2. The Defendant resides and conducts his psychotherapy and counseling practice at his office located at 115 Bedford Road, Chappaqua, New York 10514, which lies within the County of Westchester, State of New York.

3. The conduct and actions of the Defendant alleged below were committed within, and the causes of action alleged herein arose in the County of Westchester, State of New York.

THE PARTIES

4. That, at all times hereinafter mentioned Plaintiff, Noelle Feldman, is a female and was a resident of the State of New York residing in Westchester County in the State of New York.

5. That, at all times hereinafter mentioned, Defendant, William Knack, was a resident of and had his principal place of business in Westchester County in the State of New York.

6. That, at all times hereinafter mentioned, Defendant, William Knack, is a clinical psychologist conducting a private practice which includes the treatment of patients in psychotherapy and counseling at his professional offices located at his residence at 115 Bedford Road, Chappaqua, New York 10514.

7. The Plaintiff, Noelle Feldman, was a patient of the Defendant, William Knack, receiving psychotherapy and counseling treatment from Dr. Knack starting in August, 2011.

NATURE OF CLAIM

8. This is an action for damages against the Defendant, William Knack, in that while the Plaintiff, Noelle Feldman, was his patient being treated with psychotherapy and counseling, he did willfully, negligently and carelessly physically abuse, sexually assault, batter, and rape the Plaintiff, Noelle Feldman, during a session of psychotherapy and counseling being conducted in his office.

9. The Plaintiff seeks damages for physical injury, emotional and psychological torment, distress, past, present and future compensatory damages, punitive damages, attorneys' fees, costs, and experts' fees for this action in an amount to be determined by the trial court.

10. The Plaintiff seeks damages for physical injury emotional and psychological torment, distress, past, present and future compensatory damages, punitive damages for battery, sexual assault, rape, including the intentional infliction of emotional distress, negligent infliction of emotional distress,

recklessness and carelessness, and for attorneys' fees, costs and expert fees for this action in an amount to be determined by the trial court.

STATEMENT OF FACTS

11. Plaintiff is female.

12. At all times mentioned herein the Plaintiff has been a resident of the County of Westchester, State of New York.

13. Plaintiff began treatment for psychotherapy and counseling by the Defendant on or about August 15, 2011 and received said treatment at Defendant's office located at 115 Bedford Road, Chappaqua, New York 10514.

14. On or about January 10, 2013, the Defendant, during a psychotherapy and counseling session at his office, negligently and deliberately approached the Plaintiff who was sitting on a couch in his office and did forcibly, without permission or consent, and despite substantial persistent and obvious resistance, both verbal and physical, proceeded to rip and tear portions of Plaintiff's clothing, and did grope, molest, bite and injure Plaintiff.

15. At that time, Defendant continued to physically force himself upon Plaintiff despite Plaintiff's resistance and Defendant did, without permission or consent, sexually assault and rape Plaintiff while he was on top of her in his office during a treatment session.

16. On or about January 10, 2013, Defendant did, while sexually assaulting, battering and raping the Plaintiff without her consent, physically trap Plaintiff on the couch in his office with his body, causing her great fear and extraordinary distress, by pressing his body against hers causing panic, disgust and revulsion.

17. On or about January 10, 2013, Defendant pinned Plaintiff down on the couch with his body, breathed heavily into Plaintiff's face, groped her breasts, touched her lower private body parts and was visibly aroused during the attack.

18. On or about January 10, 2013, Defendant did forcibly and without consent engage in unwanted and unpermitted sexual intercourse with the Plaintiff.

19. On or about January 10, 2013, Defendant, while committing the above described acts of sexual assault, battery and rape, made vulgar and threatening remarks to Plaintiff.

20. On or about January 10, 2013, Plaintiff, while being sexually assaulted by Defendant, told Defendant repeatedly to stop, and that he was hurting her.

21. The sexual assault, battery and rape suffered by Plaintiff was horrific, pervasive and extraordinarily disruptive of Plaintiff's mental and emotional condition and caused her such great emotional distress that she lost all self-confidence, felt powerless and fell into a state of depression for an extended period of time.

22. As a result of the foregoing, Plaintiff was caused to sustain physical injury, personal humiliation, extraordinary emotional distress, mental anguish. These injuries and their effects continue and will be permanent.

**AS AND FOR A FIRST CAUSE OF ACTION
FOR NEGLIGENCE, CARELESSNESS AND RECKLESSNESS**

23. Plaintiff repeats and realleges paragraphs "1" through "22" of the Complaint with the same force and effect as if set forth herein.

24. The conduct of the Defendant was negligent, careless, and reckless and designed by the Defendant to inflict distress upon the Plaintiff.

25. As a result of the negligent, careless and reckless actions of the Defendant, Plaintiff was caused to suffer severe physical, emotional and psychological injury.

26. The nature of the Defendant's conduct was so outrageous in character, and so extreme in degree so as to go beyond all bounds of decency and to invade the Plaintiff's privacy, and to be intolerable in civilized society, and in total disregard of the Plaintiff's rights as a person and as a patient of the Defendant.

27. As a result of the Defendant's unlawful, illegal and despicable acts, the Plaintiff has been damaged in a sum to be determined by a jury.

**AS AND FOR A SECOND CAUSE OF ACTION
FOR BATTERY**

28. Plaintiff repeats and realleges paragraphs "1" through "27" of the Complaint with the same force and effect as if set forth herein.

29. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant made bodily contact with Plaintiff.

30. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant's said bodily contact with Plaintiff was harmful and offensive in nature and was without Plaintiff's consent.

31. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant intended to make said contact.

**AS AND FOR A THIRD CAUSE OF ACTION
FOR SEXUAL ASSAULT**

32. Plaintiff repeats and realleges paragraphs "1" through "31" of the Complaint with the same force and effect as if set forth herein.

33. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant intentionally placed Plaintiff in fear of imminent and harmful contact.

34. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant intended to place Plaintiff in fear of imminent and harmful physical contact.

**AS AND FOR A FOURTH CAUSE OF ACTION
FOR THE NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

35. Plaintiff repeats and realleges paragraphs “1” through “34” of the Complaint with the same force and effect as if set forth herein.

36. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant engaged in such conduct with respect to his professional treatment of the Plaintiff that was at all times negligent, reckless and in gross disregard for the psychological and emotional well being of Plaintiff who was his patient under treatment at the time.

37. The Defendant negligently disregarded a substantial likelihood of causing severe emotional distress and psychological harm to Plaintiff as his patient at the time he committed the above described acts.

38. The Defendant’s above described conduct and actions caused the harm and outrage suffered by the Plaintiff.

39. That by reason of the foregoing negligence and recklessness on the part of the Defendant, the Plaintiff suffered physical injuries, mental injuries, deprivation of privacy, terror, humiliation and other severe psychological or emotional injuries.

40. The acts complained of herein constitute the negligent infliction of emotional harm and distress.

41. By reason of the foregoing negligent infliction of emotional harm and distress, Plaintiff was caused to sustain serious physical, emotional and psychological injuries and to suffer pain, shock, and mental anguish; these injuries and their effects will be permanent as a result of the negligent conduct on the part of the Defendant.

42. Plaintiff has been and caused to incur expenses for medical care and attention and as a result Plaintiff will, and will continue to be, rendered unable to perform normal activities and duties and as a consequence of the loss sustained therefrom.

**AS AND FOR A FIFTH CAUSE OF ACTION
FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

43. Plaintiff repeats and realleges paragraphs “1” through “42” of the Complaint with the same force and effect as if set forth herein.

44. That, at all times hereinafter mentioned, on or about January 10, 2013, Defendant engaged in extreme and outrageous conduct with respect to his treatment of Plaintiff.

45. The Defendant intended to cause or did disregard a substantial likelihood of causing severe emotional distress.

46. The Defendant’s conduct caused the harm suffered by the Plaintiff as described above.

47. That by reason of the foregoing Plaintiff suffered physical, injuries, mental injuries, deprivation of privacy, terror, humiliation, and other severe psychological and emotional injuries.

48. The aforementioned occurrence took place due to the willful, wanton and intentional acts of the Defendant.

49. The acts complained of herein as described above, constitute intentional infliction of emotional harm and distress.

50. That by reason of the foregoing, Plaintiff was caused to sustain serious injuries and has suffered pain, shock and mental anguish; these injuries and their effects will be permanent.

51. Plaintiff has been caused to incur and will continue to incur expenses for medical care and, as a further result, Plaintiff is and will continue to be rendered unable to perform normal activities and duties as a consequence of loss sustained therefrom.

JURY DEMAND

52. Plaintiff demands a trial by jury of all the issues in this action.

PRAY FOR RELIEF

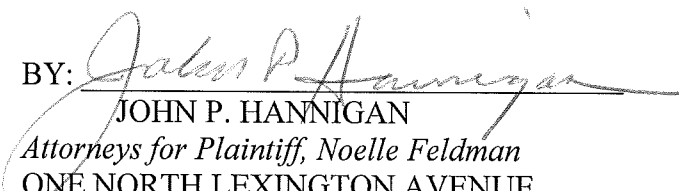
53. That by reason of the foregoing Plaintiff, Noelle Feldman, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendant herein on all causes of action in the sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs of this action and such other relief as this Court deems just and proper.

Dated: White Plains, New York
November 12, 2014

BLEAKLEY PLATT & SCHMIDT, LLP

BY:


JOHN P. HANNIGAN
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