

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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REBECCA MANDEL,

Plaintiff,

Index No. 952356/2023

-against-

VERIFIED COMPLAINT

ALON ALEXANDER and OREN ALEXANDER,

Defendants.
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Plaintiff, by her attorneys, Torgan Cooper & Aaron, P.C., complaining of the defendants, alleges upon information and belief, as follows:

NATURE OF THE CASE

1. This action is commenced pursuant to the Adult Survivors Act (“ASA”) of the State of New York (S.66A/A.648A), CPLR § 214-j, CPLR § 213-c and CPLR §§ 208(b).

2. This action seeks compensatory and punitive damages to redress the injuries Plaintiff Rebecca Mandel (“Plaintiff”) has suffered, and will continue to suffer, as a result of being drugged, sexually harassed, assaulted, abused and raped in or around September 2010, and for other sexual offenses as set out in Article 130 of the New York Penal Law, by defendants Alon Alexander and Oren Alexander, at their residence located at 55 W 26th Street, New York, NY 10010.

PARTIES

3. Plaintiff is an individual female currently residing in the State of New York.

4. At all times relevant herein, defendant Alon Alexander (hereinafter referred to as “Alon”) was a resident of the State and City of New York.

5. At all times relevant herein, defendant Oren Alexander (hereinafter referred to as “Oren”) was a resident of the State and City of New York.

6. At all times relevant herein, Alon and Oren are identical twin brothers (hereinafter collectively referred to as “defendants”).

7. At all times relevant herein, defendants maintained a residence located at 55 W 26th Street, New York, NY 10010.

8. This case involves horrific and terrifying acts of drug-facilitated sexual assault, abuse and rape, committed by defendants against Plaintiff at the above referenced residence.

FACTUAL ALLEGATIONS OF DEFENDANTS’ SEXUAL MISCONDUCT AND NEGLIGENCE

9. In or around 2009 Plaintiff was introduced to defendants after meeting them at SL Nightclub, formerly located at 409 W 14th Street, New York, NY 10014. At the time of this introduction, Plaintiff was 18 years old.

10. In the months to follow, Plaintiff would often run into defendants at various restaurants, clubs, and social events around New York City. Plaintiff saw defendants out socially with such frequency that she deemed them to be acquaintances.

11. One evening, in or around September 2010, Plaintiff bumped into the defendants at SL nightclub. The club was relatively empty this night and after seeing a familiar face, the defendants struck up a conversation with Plaintiff.

12. Thereafter, Alon insisted on buying Plaintiff a drink and Plaintiff accepted the offer. Alon then disappeared into the crowd and returned several minutes later with a drink for Plaintiff. Notably, this was the first drink that Plaintiff consumed that evening.

13. Shortly after drinking the beverage, Plaintiff's memory of the night became hazy. Upon information and belief, Alon had intentionally drugged Plaintiff's drink with an unknown substance, resulting in significant impairment to her physical and mental being.

14. After the effects of the intoxicating substance had set in, defendants said that their friend was throwing a party and urged Plaintiff to tag along.

15. Plaintiff and defendants then exited the SL Nightclub.

16. Defendants hailed a cab and provided the driver with an address. The car took off and eventually stopped in front of a Chelsea apartment building, where Plaintiff was led to believe the "party" was being held.

17. Upon information and belief, this apartment was located at 55 W 26th Street, New York, NY 10010.

18. As defendants and Plaintiff entered the building and made their way to the apartment door, Plaintiff sensed something was wrong. The hallway was silent. There was no music, no voices, nothing that would indicate that a party was being held at this location. At this moment, Plaintiff realized that she had been deceived. She had been taken to the defendants' apartment.

19. Plaintiff was frustrated and upset over having been misled. She voiced her discontent and attempted to leave, but defendants assured her that they would just hang out for a little bit. Plaintiff regretfully obliged and entered the apartment.

20. Moments after entering the apartment, Plaintiff was sexually abused, assaulted, pinned, groped, harassed, battered, and fondled by defendants.

21. Alon held Plaintiff down, while Oren vaginally penetrated her. Defendants would then switch positions, repeatedly raping Plaintiff.

22. Plaintiff is not and was not the only victim to fall prey to defendants' heinous acts. For years, defendants have engaged in a similar pattern of schemes, acts, and conduct with different woman.

ADULT SURVIVORS ACT "ASA"

23. Although the instant action is in any event timely pursuant to CPLR § 213-c, New York's "Adult Survivor's Act" under Senate Bill S66A (hereinafter referred to as "ASA"), signed by New York Governor Kathy Hochul on May 24, 2022, extends the statute of limitations for civil rape cases in New York. The ASA allows survivors of sexual abuse to bring expired claims for one (1) year, beginning six (6) months after the effective date and ending one (1) year and six (6) months after the effective date.

24. § 214-j of the Civil Practice Law and Rules provides as follows: certain sexual offense actions. Every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against such person who was eighteen years of age or older, [...] which is barred as of the effective date of this section because the applicable period of limitation has expired, [...] is hereby revived, and action thereon may be commenced not earlier than six months after, and not later than one year and six months after the effective date of this section. In any such claim or action, dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous action was time barred, and/or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section.

25. Defendants' sexual assaults and abuse of the Plaintiff are qualifying offenses under the ASA, and therefore, Plaintiff's claims are not subject to dismissal on the grounds that same are time-barred.

**FIRST CAUSE OF ACTION
AS AGAINST DEFENDANTS
(Assault and Battery)**

26. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

27. Defendants' conduct, constituted an assault upon Plaintiff, in that defendants placed Plaintiff in apprehension and fear of unwanted, unsolicited, physical touching of her person by defendants in a manner that was harmful and offensive to Plaintiff and would be harmful and offensive to any reasonable person.

28. Defendants, in perpetrating the above-described non-consensual sexual assaults, including drugging, grabbing, pulling, and physical pinning Plaintiff, forcing Plaintiff to engage in sexual acts, and their repeated raping of Plaintiff, did, without consent, touch Plaintiff in a manner that was both harmful and offensive to Plaintiff and in a manner that any reasonable person would similarly find harmful and offensive.

29. Defendants' actions described above constituted a battery upon Plaintiff in that the bodily contact was intentional and grossly offensive in nature.

30. Defendants intentionally attempted to injure Plaintiff and commit a battery upon her and their actions constituted a grievous affront to her.

31. Defendants' actions were intentional, reckless, unwarranted and without any just cause and provocation, and said defendants knew, or should have known, that their actions were without the consent of the Plaintiff and that their actions were against her wishes.

32. As a result of the foregoing, Plaintiff sustained physical injury, severe psychological trauma, emotional injuries and has, and will continue to, suffer depression, anxiety, emotional distress, anguish, ridicule, embarrassment, humiliation and degradation, loss of enjoyment of life, and has been greatly injured in her reputation and character and her injuries will be permanent in nature and effect.

33. Defendants were grossly, willfully and wantonly negligent and acted with reckless indifference to the health and safety of Plaintiff and Plaintiff therefore seeks compensatory and punitive damages.

**SECOND CAUSE OF ACTION
AS AGAINST DEFENDANTS
(NYC Gender-Motivated Violence Protection Law)**

34. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

35. Defendants' sexual assault and battery of Plaintiff constitutes a "crime of violence motivated by gender" against Plaintiff as defined by the NYC Victims of Gender-Motivated Violence Protection Law, NYC § 10-1103. Defendants' actions were motivated by Plaintiff's gender, on the basis of her gender, and due, at least in part, to an animus based on her gender.

36. Defendants committed crimes of violence against Plaintiff because she is a female and, at least in part, because they had an animus toward women. Defendants' gender-motivated animus towards women is evinced by, among other things, their humiliating and degrading sexual assault and repeated raping of Plaintiff.

37. As a result of the foregoing, Plaintiff sustained physical injury, severe psychological trauma, emotional injuries and has, and will continue to, suffer depression, anxiety, emotional distress, anguish, ridicule, embarrassment, humiliation and degradation, loss

of enjoyment of life, and has been greatly injured in her reputation and character and her injuries will be permanent in nature and effect.

38. Defendants were grossly, willfully and wantonly negligent and acted with reckless indifference to the health and safety of Plaintiff and Plaintiff therefore seeks compensatory and punitive damages, attorney's fees and costs, and any such other relief the Court deems appropriate.

**THIRD CAUSE OF ACTION
AS AGAINST DEFENDANTS
(Intentional Infliction of Emotional Distress)**

39. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

40. Defendants through a pattern of extreme and outrageous conduct, which was beyond all possible bounds of decency, and which may be regarded as atrocious and utterly intolerable within a civilized society, assaulted, battered, molested, harassed, humiliated, degraded and retaliated against Plaintiff.

41. Defendants' behavior was extreme and outrageous to such extent that the action was atrocious and intolerable in a civilized society.

42. Defendants' conduct was so outrageous in character and extreme in degree as to go beyond all possible bounds of decency.

43. Defendants caused Plaintiff to fear for her own safety.

44. Defendants' breach of their duties to Plaintiff caused Plaintiff to suffer numerous injuries as set forth herein.

45. As a consequence of defendants' wholly unlawful, intentional, reckless and negligent conduct, defendants intentionally inflicted emotional distress upon Plaintiff.

46. As a consequence of the conduct of defendants, Plaintiff has incurred physical and psychological trauma and damage, has suffered great humiliation, loss of esteem, mental anguish and suffering, and has sustained damages in an amount to be determined at the time of trial.

47. This action falls within one or more of the exceptions set forth in CPLR §1602.

WHEREFORE, Plaintiff demands judgment against the defendants on each cause of action in the complaint in an amount which exceeds the monetary jurisdiction of all other courts which would otherwise have jurisdiction, including punitive damages, together with interest, costs and disbursements of this action.

Dated: New York, New York
March 8, 2024

Torgan Cooper & Aaron, P.C.

By: *Brendan Brown*

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