

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

STACEY PINKERTON,

Plaintiff,

v.

WILLIAM COSBY, JR.; KAUFMAN
ASTORIA STUDIOS, INC.; CARSEY-
WERNER COMPANY; NATIONAL
BROADCASTING COMPANY, INC.; and
DOES 1-5 whose identities are unknown to
Plaintiff,

Defendants.

Index No. _____

SUMMONS

Date Index No. Purchased: December 30, 2022

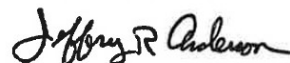
Plaintiff designates New York County
as the place of trial.

TO THE ABOVE NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

The basis of venue is the location where a substantial part of the events giving rise to the claim occurred.

Dated: December 30, 2022
New York, New York



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COMPLAINT

Plaintiff, by and through Plaintiff’s attorneys, states and alleges as follows:

PARTIES

1. Plaintiff was sexually assaulted by William Cosby, Jr. (hereinafter “Bill Cosby” or “Cosby”) in approximately 1986 when she was approximately 21 years old.

2. This action is brought pursuant to the New York Adult Survivors Act, CPLR § 214-j. The conduct at issue constituted sexual offense(s) in violation of a section within Article 130 of the New York Penal Law, and resulted in physical, psychological, and emotional injuries. As a civil cause of action was previously time-barred prior to August 14, 2019, the Adult Survivors Act, CPLR § 214-j, revives the claims set forth below.

3. At all times material, Defendant Bill Cosby was a resident of New York County, New York.

4. At all times material, Defendant Kaufman Astoria Studios, Inc. (hereinafter “Kaufman Astoria”) was and continues to be an entity authorized to conduct business and conducting business in the State of New York, with its principal place of business at 34-12 36th Street, Queens, New York, 11106.

5. At all times material, Defendant Carsey-Werner Company (hereinafter “Carsey-Werner”) was and continues to be an entity authorized to conduct business and conducting business in the State of New York, with its current headquarters at 16027 Ventura Blvd., Suite 600, Encino, California, 91436.

6. At all times material, Defendant National Broadcasting Company, Inc. (hereinafter “NBC”) was and continues to be an entity authorized to conduct business and conducting business in the State of New York, with its principal place of business at 30 Rockefeller Plaza, New York, New York 10020.

7. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity’s business or affairs.

8. Defendants Does 1 through 5 are unknown agents whose identities will be provided when they become known pursuant to CPLR § 1024.

9. The limitations of Article 16 of the CPLR do not apply because one or more of the exceptions set forth in CPLR § 1601 and/or § 1602 apply.

JURISDICTION

10. This Court has jurisdiction pursuant to CPLR § 301 as Defendants’ Kaufman Astoria and NBC principal places of business are in New York.

11. Venue is proper pursuant to CPLR § 503 in that New York County is the principal place of business of Defendant NBC.

FACTUAL ALLEGATIONS

12. At all times material, Bill Cosby was a prominent actor, comedian, and producer.
13. Bill Cosby started his career in stand-up comedy in the 1960s and rose to fame as a comedian and actor.
14. From approximately 1984 to 1992, Cosby produced and starred in sitcom hit, “The Cosby Show.”
15. Defendants Cosby, Kaufman Astoria, Carsey-Werner, and NBC, owned, operated, managed, and controlled The Cosby Show.
16. Defendant Cosby was an agent, servant and/or employee of Defendants Kaufman Astoria, Carsey-Werner, and NBC and remained under their direct supervision and control.
17. The Cosby Show was produced by Defendants Cosby and Carsey-Werner for Defendant NBC.
18. The Cosby Show was taped by Defendant Kaufman Astoria at their filming locations in New York.
19. Defendants Kaufman Astoria, Carsey-Werner, and NBC benefited from their affiliation with Cosby.
20. Cosby used his power, influence, and authority, as producer of The Cosby Show, to groom and sexually assault Plaintiff.
21. In approximately 1986, Cosby met and invited Plaintiff to New York to be on The Cosby Show.
22. Cosby promised Plaintiff, then a flight attendant and photographic model, that he could help her career by introducing her to people in New York.
23. Plaintiff agreed to go to New York under the pretense that Cosby was interested in her professional advancement as a model and actress.

24. Cosby told Plaintiff that he would arrange everything and put her in contact with people she should know to advance her career.

25. During the trip, Cosby took Plaintiff to the Cosby Show studio; took Plaintiff to a townhome where Cosby had an office; arranged accommodations for Plaintiff; provided money to Plaintiff for her hotel stay; and planned a business dinner where Plaintiff's career was to be discussed.

26. In New York, Plaintiff participated in the creation of Episode 21 of Season 2, titled "An Early Spring" which aired on March 20, 1986. Plaintiff did not appear in the final edit of the episode which aired.

27. On the New York trip, Cosby manipulated Plaintiff into believing that he was trying to help her career. Cosby told Plaintiff he could get her into college to finish her education. Before leaving, Plaintiff gave Cosby her headshots believing he was genuinely interested in advancing her career as a model and actress.

28. In March 1986, Cosby and his assistant arranged for Plaintiff to meet Cosby in Illinois. Again, Cosby promised to help advance Plaintiff's modelling and acting career through business dinners and meetings. Plaintiff was instructed under secrecy to meet Cosby at Ditka's, a known establishment restaurant in Chicago.

29. When Plaintiff arrived, she was told to wait at the bar for Cosby. Subsequently, a message was given to her by the manager of the bar in the restaurant. Plaintiff was informed that Cosby was delayed, and that Plaintiff would be transported by car to another restaurant where Plaintiff would meet Cosby and others at a dinner.

30. During the dinner at a subsequent Italian restaurant, Cosby drugged Plaintiff's meal without her knowledge or consent.

31. During the dinner, Plaintiff was forced into a car without her consent. Plaintiff was

not told where she was being taken.

32. Plaintiff arrived at the Drake Hotel in Chicago and was directed to a room. Plaintiff was under the impression that the dinner would be continued in a restaurant at the hotel.

33. Instead, Plaintiff was directed to a private hotel room.

34. Plaintiff tried to leave the hotel room but Cosby prevented her from leaving, including by locking the door.

35. Cosby sexually assaulted Plaintiff in the hotel room at the Drake Hotel.

36. Cosby engaged in forced sexual intercourse with Plaintiff.

37. Plaintiff was incapable of consent by reason of being physically helpless.

38. Plaintiff escaped hours later while Cosby was asleep.

39. After the assault, Cosby exerted his power, influence, and status to silence Plaintiff.

40. Shortly after the sexual assault, in approximately April 1986, Plaintiff received a letter in the mail from FACES, a well-known Chicago club, stating that membership had been arranged for her complimentary of Bill Cosby.

41. Plaintiff received other mail and invitations at her home address, despite never providing her home address to Cosby.

42. Months after the sexual assault, in approximately September 1986, Cosby's assistant called Plaintiff and told her that Cosby requested her attendance at his show in Chicago, "Bill Cosby: 49". Plaintiff went to the show at the Chicago Theatre with the intention to confront Cosby about the assault.

43. At the show, Cosby arranged for Plaintiff to sit on stage within view of his performance but outside of the audience view.

44. After the show, Cosby approached Plaintiff and forcefully kissed her and touched her buttocks without her consent. Plaintiff started yelling and was removed from the theatre by

production staff.

45. Defendants Kaufman Astoria, Carsey-Werner, and NBC facilitated, enabled, approved, and ratified Cosby's sexual assaults of women.

46. Defendants Kaufman Astoria, Carsey-Werner, and NBC created and or facilitated an environment where Cosby was able to access and sexually assault women.

47. Defendants Kaufman Astoria, Carsey-Werner, and NBC provided facilities which Cosby used to access and sexually assault women and aided in his ability to sexually assault women.

48. Defendants Kaufman Astoria, Carsey-Werner provided assistants and representatives which Cosby utilized in facilitating and covering up his sexual assaults.

49. Defendants Kaufman Astoria, Carsey-Werner, and NBC concealed Cosby's sexual assaults of women.

50. In a 2005 deposition, Cosby admitted that he used quaaludes on young women that he wanted to have sex with.

51. Cosby has been accused of sexually assaulting over 60 women between the mid-1960s and 2008.

52. Cosby engaged in the same or similar pattern of conduct with his victims, including expressing interest in advancing their careers, giving them roles on The Cosby Show, using The Cosby Show and its filming locations as a means to access, isolate, sexually harass, and sexually assault women, using drugs to incapacitate his victims, and forcibly engaging in sexual acts with them without their consent.

53. Cosby was found guilty of three counts of aggravated indecent assault in 2018 in Montgomery County, Pennsylvania, and sentenced to three to ten years in prison. His conviction was overturned in 2021 by the Pennsylvania Supreme Court based on a prior prosecution

agreement not to charge Cosby.

54. As a direct result of Defendants' conduct described herein, Plaintiff has suffered and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal, and psychological injuries. Plaintiff was prevented, and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counselling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

COUNT I
SEXUAL BATTERY
AGAINST DEFENDANT WILLIAM COSBY, JR.

55. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

56. In approximately March and September 1986, Defendant Bill Cosby engaged in unpermitted, harmful, and offensive bodily sexual contact upon the person of Plaintiff.

57. Plaintiff did not consent to the harmful bodily contact.

58. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT II
NEGLIGENCE
AGAINST DEFENDANTS KAUFMAN ASTORIA, CARSEY-WERNER AND NBC

59. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

60. Defendants owed Plaintiff, an invitee and guest actor on the Cosby Show, a duty of reasonable care to protect the Plaintiff from injury.

61. Defendants owed Plaintiff a duty to protect her from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff.

62. Defendants owed Plaintiff a duty because they invited Plaintiff onto their premises and facilities and Cosby posed a dangerous condition on their premises.

63. Prior to the sexual assault of Plaintiff, Defendants knew or should have known that Cosby was a serial sexual predator and/or sexually assaulted women.

64. Defendants knew or should have known that Cosby had a history of drugging and sexually assaulting women before Cosby sexually assaulted Plaintiff.

65. Defendants knew or should have known that Cosby was a danger to women.

66. Defendants knew or should have known that Cosby used the power, influence, status, and facilities of Defendants to access and sexually assault women.

67. Defendants breached their duties to Plaintiff. Defendants' failures include, but are not limited to, failure to protect Plaintiff from a known danger, failure to warn Plaintiff of the risk Cosby posed; failure to take reasonable measures in light of what they knew or should have known; and failure to investigate the risks at their facilities.

68. Defendants breached their duties to Plaintiff by providing Cosby with authority and/or apparent authority to access and sexually assault women that participated in the Cosby Show.

69. Defendants breached their duties to Plaintiff by providing, arranging, and permitting Cosby to use the Cosby Show as a means to access, groom, and sexually assault women.

70. By failing to address Cosby's sexual assaults of women, Defendants permitted, approved, encouraged, and/or ratified Cosby's rape of Plaintiff.

71. Defendants negligently deemed that Cosby was fit; and/or that any previous suitability problems Cosby had were fixed and cured; and/or that Cosby would not continue to

sexually assault women; and/or that Cosby would not injure women.

72. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT III
NEGLIGENT HIRING, NEGLIGENT SUPERVISION AND NEGLIGENT RETENTION
AGAINST DEFENDANTS KAUFMAN ASTORIA, CARSEY-WERNER AND NBC

73. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

74. At all times material, Cosby was employed by Defendants and was under Defendants' direct supervision, employ, and control when he committed the wrongful acts alleged herein. Cosby engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority and/or the authority given to him by virtue of his affiliation with Defendants.

75. Defendants had a duty, arising from their employment of Cosby, to ensure that he did not sexually assault women.

76. Further, Defendants owed a duty to train and educate employees and establish adequate and effective policies and procedures to detect, prevent, and address sexual harassment and sexual assault in the entertainment industry.

77. The abuse complained of herein occurred on Defendants' property and/or with the use of their chattels.

78. Defendants breached their duties to Plaintiff by actively maintaining and employing Cosby in a position of power and authority through which Cosby had access to women, including Plaintiff, and power and control over women, including Plaintiff.

79. Defendants were negligent in the hiring and supervision of their employees. Defendants failed to educate, train, supervise, and/or monitor their agents or employees with

regard to policies and procedures that should be followed when boundary violations, sexual harassment and sexual assault and is suspected or observed.

80. Defendants were additionally negligent in failing to supervise, monitor, and/or investigate Cosby and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Cosby's sexual assault of Plaintiff.

81. Defendants were additionally negligent in failing to ensure that their employees and agents did not use the authority and facilities of Defendants to sexually harass and sexually assault women.

82. Defendants negligently retained Cosby with knowledge of Cosby's propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendants failed to investigate Cosby's past and/or current history of sexual assault and, through the exercise of reasonable diligence, should have known of Cosby's propensity for sexual assault. Defendants should have made an appropriate investigation of Cosby and failed to do so. An appropriate investigation would have revealed the unsuitability of Cosby for continued employment and it was unreasonable for Defendants to retain Cosby in light of the information they knew or should have known.

83. Defendants negligently retained Cosby in a position where he had access to women and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.

84. In failing to properly supervise Cosby, and in failing to establish such training procedures for employees and agents, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

85. In failing to timely remove Cosby or terminate the employment of Cosby, Defendants failed to exercise the degree of care that a reasonably prudent person would have

exercised under similar circumstances.

86. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

Dated: December 30, 2022
New York, New York



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