

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

KALISHA CRAWFORD,

Plaintiff,

-against-

DAVID RATNER,

Defendant.

Index No.:

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Kalisha Crawford, by her attorneys, Crumiller P.C., as and for her complaint against defendant David Ratner, respectfully alleges as follows, upon information and belief:

PRELIMINARY STATEMENT

1. David Ratner is a plaintiff’s attorney who represents sexual harassment victims.
2. In 2010, Ratner sexually assaulted Crawford, his young female associate, then fired her for pretextual reasons after she rejected his persistent sexual advances.
3. It took Crawford over a decade to confront the lifelong trauma and career derailment that Ratner caused her to suffer with his harassment, abuse, and the untouchable reputation he cultivated, even in the face of a known pattern of such behavior. Today, Crawford seeks justice with her revived claims under the Adult Survivors Act. It is not too late to hold Ratner accountable for the discriminatory abuses he perpetrated on his female employees.

PARTIES

4. Plaintiff Crawford is an individual residing in California.
5. Defendant Ratner is an individual residing in California. He was a managing partner of Morelli Ratner P.C. (“the firm”), the firm that employed Crawford, at all relevant times herein.

JURISDICTION AND VENUE

6. Jurisdiction is proper pursuant to CPLR § 301 et seq.

7. Venue for this action is proper in the County of New York pursuant to CPLR § 503 in that a substantial part of the events or omissions giving rise to the claim occurred in this County.

FACTUAL ALLEGATIONS

I. Crawford Had a Promising Litigation Career Ahead of Her

8. Crawford graduated from NYU School of Law in the spring of 2006. A desirable candidate for employment, she accepted an offer in the litigation practice of a highly competitive top-tier law firm as a junior associate, where she had worked the summer before as a legal intern. However, in 2008, a historical economic recession led to industry-wide layoffs, which included Crawford and dozens of other attorneys at her firm.

9. In the fall of 2009, after a difficult and competitive job search, Crawford was thrilled to receive an offer at the firm, which was then a prestigious, well-known, plaintiffs' side, personal injury firm primarily representing clients throughout New York. The firm's work also included employment discrimination and sexual harassment cases. Ratner and the other named partner, then both in their 60s, had decades-long careers as renowned trial attorneys.

10. With a small firm of only a dozen attorneys or so, Plaintiff thought she had a golden opportunity to gain hands-on litigation and trial experience – something she could not do at her previous, larger firm – with reputable attorneys who were well-known for their skill.

II. Ratner's Harassment Was Well-Known Among the Employees

11. Crawford was devastated to learn soon after starting her employment that in fact, Ratner had created a toxic cesspool of sexual harassment.

12. Soon after joining the firm, she was warned she had been hired to replace a woman who had been fired in retaliation for rejecting Ratner's sexual advances. Crawford was told that her office seemed to be "jinxed" as it was some sort of a "hot seat" for Ratner's female associates.

13. This appeared to be corroborated by a loud conversation Ratner had in the open hallway early in Crawford's tenure, apparently with his attorney, in which he loudly discussed, in a threatening and derisive manner, a woman who had apparently raised a sexual harassment claim. Crawford – and all of the other employees on the floor – could hear Ratner angrily yelling and mocking the woman, as he gloated about his power to destroy her life if she dared to sue the firm. He bragged about how he had millions of dollars and his own law firm at his disposal, describing his plan to “ruin her.”

14. It was a clear message, to the entire staff, about how such complaints would be received.

15. Ratner's sexual harassment and quid pro quo retaliatory firing of Crawford's predecessor was far from the only incident at the firm. Indeed, his abusive and predatory reputation was widespread and well-known among the female employees, who widely discussed Ratner's inappropriate conduct toward them with each other. One paralegal described to her colleagues how Ratner “only looks at my boobs, he's never looked me in the eyes.”

16. Ratner also regularly made inappropriate comments about female employees' bodies, what they were wearing, and what they were eating. For example, Ratner regularly mocked the gender non-conforming appearance of another female attorney at the firm and referred to her as “little boy blue.”

17. Many of the female associates felt uncomfortable by Ratner's comments and evident glances, with Crawford being no exception. Female associates made sure to pull their skirts down two inches, and button their blazers, to avoid Ratner's inappropriate ogling of their bodies. Yet, none dared complain, having heard his threats against past victims.

18. Another female associate at the firm played along with Ratner's advances, as she would openly flirt with him (saying things like “Mr. Ratner, you're making me blush!”). Ratner

rewarded her professionally by giving her more desirable case assignments than he gave to his other female subordinates.

19. In general, Ratner cultivated a culture of abuse and fear at the firm. When one associate disclosed her pregnancy to him, he responded, “are you going to keep it?” and then gave her a mocking lecture on how sex works. Later, when she thought she was going into labor, Ratner called and texted her repeatedly at the hospital, demanding she finish a non-urgent legal research memo during the “down time” she ostensibly had while “waiting” for the baby to arrive.

20. Thus, Ratner’s sexual harassment and abuse were neither surprising to the employees, nor out of character for him, and was consistent with the punitive attitude he had openly taken toward women who dared complain.

III. Ratner Sexually Assaults Crawford

21. On December 16, 2010, the Firm hosted a firm-wide holiday party at a bar called Merchants East Cigar Bar. The party began midday and everyone, including the partners, was drinking heavily from the open bar. Attendance was required for all employees.

22. During the first hour of the party, Ratner’s partner approached Crawford while she stood at the bar. As she drank at the bar, he warned her that her upcoming performance review would be poor. Crawford was extremely upset and caught off guard. She began drinking even more heavily and joined in with a group of associates and staff who were taking shots of liquor.

23. Crawford – a petite woman – became extremely drunk, as were most others at the party. She began crying, worrying that she was going to be imminently fired.

24. Ratner saw Crawford crying and approached her. He wiped away her tears from her face with his hand and began criticizing her work generally. Crawford was mortified, incapacitated, and felt cornered and trapped.

25. Eventually, she told Ratner she wanted to go home. However, Ratner followed her outside. She tried to hail a cab, but Ratner grabbed her hand, pulled it down, and insisted he drive her home himself. Outside the bar, Ratner forcibly kissed Crawford, who was uncooperative and appalled, but also mortified and concerned that somebody might have seen them. She felt uncomfortable and tried to protest but Ratner would not take “no” for an answer until Crawford finally acquiesced and got in his car with him.

26. Ratner had lied. Once in the car, he refused to take Crawford home. Instead, he drove to Le Cirque, a fancy restaurant on the Upper East Side, where he escorted her to a table and bought her more drinks. Crawford remembers being so drunk that she was surprised they were even allowed into the restaurant, let alone be served. She had such little control over herself that at one point, she knocked her martini off the table. Ratner simply ordered her another. He looked her up and down and said, flirtatiously, “everyone here probably thinks you are my daughter.” Crawford felt disgusted and had no idea what to do.

27. After having a couple more drinks, Ratner paid and pulled Crawford out of the restaurant. Outside, he grabbed and kissed her. Crawford was shocked and horrified. She was so visibly impaired that a passerby called out to ask her if she was okay. Ratner waved the person away.

28. Ratner told Crawford he was going to drive her home. She objected again, but she was too incapacitated to hail a cab by herself. Eventually, she got into his car.

29. Crawford’s worst fear came true as they arrived at her apartment and Ratner got out of the car, following her into her apartment. He claimed he needed to use the bathroom. She tried to protest but he overpowered her.

30. While Ratner used her bathroom, Crawford went into her bedroom. She was very drunk and felt panicked and scared that her 60-year-old boss was in her apartment.

31. Ratner emerged from the bathroom with his pants unbuttoned and his zipper lowered. Crawford was terrified. He came over to her, grabbed her, and kissed her again. He took her hand and put it on his genitals, inside his pants. He whispered, “you know you want to.”

32. Crawford did not want to. She tried to push Ratner away and told him he needed to leave. After a brief physical struggle, he finally left.

IV. After the Assaults, Crawford Panics

33. Crawford woke up the next morning suffering a full-blown panic attack. The fear and anxiety over her boss having forcibly kissed her and forcibly gained entry to her apartment – and attempted to do more than kiss her – was overwhelming to her. Traumatized, she struggled to make sense of what had happened to her. In a panic, she texted a friend, describing the encounter, writing, “I woke up this morning and freaked the fuck out.” She wrote, “he’s SUCH an asshole and I hate him . . . he’s older than my dad.” She wrote:

Crawford: what i'm most worried about is that the big boss saw/noticed something

Crawford: but they can't fire me, right?

Friend : no effing way

Crawford: they fight all those cases

Crawford: they do NOT settle and have been sued before

Crawford: i mean, they can't just decide that it's a liability adn [sic] get rid of me?

Crawford: that would be pretextual [. . .]

34. Crawford forced herself to go to the office, although the anxiety was unbearable. When she arrived, hungover and anxious, she was terrified that she would run into Ratner. Indeed, a few hours later, Ratner approached her to discuss a case matter and acted casual, as though nothing out of the ordinary had occurred. It was clear to Crawford that he was testing the waters, wanting to ensure that she intended to keep silent.

35. From that day forward, Crawford began to experience daily panic attacks on her way to the office and while she was at work. She often had to go to the bathroom to try to quietly calm

herself down since the partners forbade associates from closing their office doors. She would go into the bathroom and cry.

36. Adding insult to injury, that month, the firm secured a \$95 million verdict for a sexual abuse survivor - the largest in history.

37. Despite her purported “poor” performance, in January 2011, Crawford received a 6.5% raise.

38. During this time, Crawford began experiencing severe back pain that appeared inexplicable. No doctor could find the source, even with orthopedic treatment from multiple providers, until years later when her mental health provider diagnosed the issue as a trauma response.

39. She also began suffering severe gastrointestinal issues, which her doctor identified as stress-induced. However, Ratner had reprimanded her for attending required medical appointments during the day, so she was unable to seek timely treatment.

40. Most worrying was that Ratner continued his attempts to get Crawford alone. Throughout January and February 2011, he repeatedly attempted to assign Crawford to the cases where he had out-of-state depositions and could force her to travel with him. Crawford came up with excuses for as long as she could, but Ratner insisted she travel to Massachusetts with him in March, and she could not figure out how to get out of it.

41. Crawford dreaded the trip. She was terrified of being alone with Ratner again; the thought of being isolated at a hotel together made her want to vomit. She contemplated quitting, but needed the income, and had no alternative prospects.

42. Meanwhile, she continued to work hard and do her best. On February 24, 2011, she received an email that one of her clients had written to Ratner, praising her work effusively:

Dear Mr. Ratner,

I would like to thank you for assigning Kalisha Crawford to my case. She has done exceptional and careful work with great focus and always an immediate response to any questions or considerations in this regard. She is an amazing person with the utmost integrity and craft- a real pro. I will recommend her highly whenever possible, as will my financial advisor at Morgan Stanley, Anthony Chuck, who I have praised her to, You should be proud of her. She is a credit to your firm.

43. When it came time for the trip, Crawford avoided packing any skirts, resolving to wear pants as a feeble attempt to protect herself physically from further assault.

44. Ratner insisted on driving himself and Crawford to Massachusetts in his car to “save on expenses.”

45. On the trip, the evening of March 30, Ratner demanded that Crawford join him for a drink at the hotel bar. He said that he was the boss and that they needed to discuss the case.

46. At the bar, Ratner became flirtatious. Crawford said she was tired and should go to bed but he instructed that her workday was not over yet, and they still had a lot to discuss.

47. Over dinner, he told her that he had discussed her performance with the other partners, that they were pleased, and that she would be getting a raise. The import of Ratner’s decision to share this information in the time and place he did was not lost on Crawford.

48. Crawford felt trapped, alone, and scared. When Ratner went to the restroom for a moment, she hastily texted a friend:

Crawford: omg [friend’s name]

Crawford: I'm on this trip w my boss

Crawford: Things are definitely going to get AWKward

Crawford: I'm scared ...

Friend: ohhh god

Friend: just pretend nothing happened!

Crawford: He's going to try to touch me

Friend: no way

Friend: he ain't drunk anymore

Crawford: Yes

Crawford: His leg is on my chair

Crawford: We are drinking
Crawford: ...
Friend: well, you say no!
Crawford: Oh fuuuuckkk [friend's name]
Crawford: Obv
Friend: say you aren't feeling well and get out
Friend: only talk business!
Friend: and weather
Crawford: I can't
Crawford: omg
Crawford: Terrible
Friend: oh goddd ... where are you?
Crawford: At a bar
Crawford: Jesus [friend's name]
Friend: leave!
Crawford: I cannot

49. Ratner returned and she quickly put her phone away. At some point, Ratner suggested they go outside to smoke a joint. Crawford felt obligated to agree. Ratner said they should go to his car, to avoid getting caught, and led her there.

50. In the car, Ratner grabbed Crawford's hand and slid his other hand all the way up her thigh, telling her that they should have an affair. She responded that it didn't seem like a "smart career move" for her. Ratner bluntly responded, "it will be worse for your career if you say no."

51. Crawford felt frozen in fear. She managed to extricate herself from the situation but felt terrified about her job prospects moving forward.

52. On the drive back to New York the next day, Ratner gave Crawford the silent treatment.

53. Crawford reported back to her friend the next day:

Crawford: oh he totally tried
Crawford: Twice
Crawford: With the touching
Crawford: No go [...]
Crawford: I told him I didn't think it was good for my career
Crawford: Hahahah
Crawford: I mean, what was I supposed to say??
Friend: Hehe, that was the right thing to say

Crawford: Don't tell anyone any of this, please. I'm going to pretend like it never happened.

Friend: But that shit just shouldn't happen

Crawford: Right

Crawford: He was all, but you want to.

Crawford: Gross.

Friend: I will tell no one

Crawford: And kept trying to find ways to touch my arm, etc

Crawford: It was disgusting

54. Back in New York, Crawford's physical symptoms worsened and she could no longer delay seeking treatment. On April 13, 2011, she began anti-anxiety medication, as prescribed by her gastroenterologist.

55. That same day, she confided in a friend about her struggles with "enduring disgusting sexual advances by [her] boss."

V. Ratner's Campaign of Retaliation Began Immediately

56. Over the next several months, Ratner was openly hostile to Crawford. He pulled her off cases and removed her from important email chains. Between this effective sabotage and Crawford suffering constant panic attacks as well as back pain and gastrointestinal issues, her performance invariably suffered. He then used these deficiencies against her, yelling at her at every opportunity, and pointedly ignoring her unless he was forced to interact with her.

57. By May 2011, Ratner had removed Crawford from numerous cases she had been working on and re-assigned them, including cases she had been working on for as long as 18 months. Worse, he failed and refused to notify her directly – she learned on multiple occasions from third parties that she had been simply taken out of the loop. On one occasion, she realized by happenstance that she had been removed from an email chain regarding a task she was expected to perform, which she unknowingly then "failed" to do.

58. Crawford was constantly walking on eggshells. In July 2011, in one typical instance, she asked Ratner for help with an administrative task. He responded in a furious tone that she “better fix this” on her own. Upon information and belief, male associates in similar situations were treated much more helpfully and without anger and derision. Even colleagues noticed that Ratner was being strangely cold to Crawford.

59. That summer, Crawford had panic attacks every single day. Most days, she cried on the train, both to and from work. She started fantasizing about getting hit by a bus and dying, rather than having to face Ratner. It was the first time in her life she had ever been suicidal. Recalling her predecessor, she also figured it was only a matter of time before she lost her job.

60. Sure enough, on October 4, 2011, Crawford was called into a named partner’s office. When she walked in, shaking, she saw Ratner and the other partner waiting and knew immediately she was being fired. Ratner said, “it just wasn’t working out.” Another paralegal was fired that same day – someone known to be especially friendly with Crawford. Not only did Ratner apparently erroneously assume that Crawford had confided in her and wanted to ensure that the matter was kept quiet, but unbelievably, she was actually told as much – that she was “too close” to another colleague.

VI. Crawford Has Never Recovered

61. Crawford knew she had been fired because she had refused Ratner’s advances, but it was impossible not to blame herself. She felt ashamed and worthless.

62. Crawford has suffered Post-Traumatic Stress Disorder which has affected her entire life as well as the physical symptoms related to her trauma, which have persisted. She has also continued to experience sleeplessness, anxiety, and nightmares, especially when recalling these events, even now – over ten years later.

63. Moreover, Crawford's career was utterly derailed. Her promising litigation career was effectively over. After a few months of unemployment, she got a job in sales.

64. Ratner's assaults and retaliation left Crawford unable to return to the practice of law. The lifelong impact on her finances cannot be overstated. Her earning capacity has been reduced by hundreds of thousands of dollars per year, totaling over 55 million dollars, as a direct result of Ratner's conduct. Similarly, the emotional devastation has persisted throughout her life, as she has watched the careers of her peers advance over the years while she continues to feel like a failure. Crawford has also continued to suffer a lifelong fear of job insecurity, no matter the high level of praise and accomplishments her work has garnered.

65. Years later, in 2015, Ratner's employment was terminated. Upon information and belief, his serial sexual predation was one of the issues that led to the termination.

66. However, Ratner has not suffered any consequences for his abject failure and refusal to remediate his chronic sexual abuse. He continues to enjoy professional success at his new firm, Ratner Molineaux, LLP, in California.

67. Ratner believed he was above the law. He is not. It is time for him to be held accountable for the lives he ruined – starting with Kalisha Crawford's.

**POINT OF LAW:
Adult Survivors Act**

68. The Adult Survivors Act, CPLR § 214-j ("ASA") revives every civil claim alleging intentional or negligent acts or omissions by a person for psychological injury suffered due to a sexual offense as defined in article 130 of the penal law, committed against someone age 18 or older, even if the applicable period of limitation has expired.

69. Ratner's assaults are qualifying offenses under the ASA, and therefore, Crawford's claims are not subject to dismissal on the grounds that they are time-barred.

**FIRST CAUSE OF ACTION:
NYC Gender-Motivated Violence Act**

70. Crawford repeats and realleges all facts set forth above.

71. Ratner's sexual assault and battery of Crawford constitutes a "crime of violence motivated by gender" against Crawford as defined by the NYC Victims of Gender-Motivated Violence Protection Law, NYC Admin Code § 10-1103 ("GMVA"). His actions were motivated by Crawford's gender, on the basis of her gender, and due, at least in part, to an animus based on her gender.

72. Ratner committed crimes of violence against Crawford because she is female and, at least in part, because he has an animus towards women and girls. Ratner's gender-motivated animus towards women and girls is demonstrated by, among other things, his humiliating and degrading assaults of Crawford.

73. As a result, Crawford has suffered emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

74. Ratner is liable to Crawford under the GMVA for compensatory and punitive damages, attorney's fees, and costs.

**SECOND CAUSE OF ACTION:
Gender Discrimination in Violation of the NYSHRL**

75. Crawford repeats and realleges all facts set forth above.

76. Ratner discriminated against Crawford on the basis of her gender, in violation of the New York State Human Rights Law (NY Exec Law § 296[1]) ("NYSHRL"), by subjecting her to sexual assault and harassment while she was an employee at the firm.

77. Ratner discriminated against Crawford on the basis of her gender, in violation of the NYSHRL, by subjecting her to a gender-based hostile work environment and by treating her less well than male employees.

78. Ratner also discriminated against Crawford on the basis of her gender, in violation of the NYSHRL, by terminating her employment in retaliation for her refusal to capitulate to Ratner's continuous sexual advances, while those who did so capitulate were rewarded (i.e., "quid pro quo" sexual harassment").

79. The discrimination was severe.

80. Ratner's unlawful discrimination against Crawford caused her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

81. Ratner is liable to Crawford for compensatory and punitive damages, attorney's fees, and costs.

**THIRD CAUSE OF ACTION:
Retaliation in Violation of the NYSHRL**

82. Crawford repeats and realleges each allegation set forth above.

83. Ratner retaliated against Crawford for her protected refusal to engage in sexual activity with him, in violation of the NYSHRL.

84. The retaliatory actions to which Crawford was subjected could have dissuaded reasonable employees in her position from complaining of discrimination or sexual harassment.

85. In terms of the economic realities of the workplace, Ratner is personally, directly, and individually liable as an employer for the unlawful retaliation against Crawford, in violation of NYSHRL § 296(1).

86. As a result, Crawford has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

87. Ratner willfully engaged in unlawfully retaliatory practices with malice and/or reckless indifference to Crawford's rights.

88. Crawford is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FOURTH CAUSE OF ACTION:
Gender Discrimination in Violation of the NYCHRL**

89. Crawford repeats and realleges all facts set forth above.

90. Ratner discriminated against Crawford on the basis of her gender, in violation of the New York City Human Rights Law (NYC Admin Code § 8-107[1][a]) ("NYCHRL") by subjecting her to sexual assault and harassment while she was an employee at the firm.

91. Ratner also discriminated against Crawford on the basis of her gender, in violation of the NYCHRL, by subjecting her to a gender-based hostile work environment and by treating her less well than male employees.

92. Ratner discriminated against Crawford on the basis of her gender, in violation of the NYCHRL, by terminating her employment in retaliation for her refusal to capitulate to his continuous sexual advances, while those who did so capitulate were rewarded (i.e., "quid pro quo" sexual harassment).

93. The discrimination was severe.

94. Ratner's unlawful discrimination against Crawford caused her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

95. Ratner is liable to Crawford for compensatory and punitive damages, attorney's fees, and costs.

**FIFTH CAUSE OF ACTION:
Retaliation in Violation of the NYCHRL**

96. Crawford repeats and realleges each allegation set forth above.

97. Ratner retaliated against Crawford for her protected refusal to engage in sexual activity with him, in violation of the NYCHRL.

98. The retaliatory actions to which Crawford was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

99. In terms of the economic realities of the workplace, Ratner is personally, directly, and individually liable as an employer for the unlawful retaliation against Crawford, in violation of the NYCHRL.

100. As a result, Crawford has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

101. Ratner willfully engaged in discriminatory practices with malice and/or reckless indifference to Crawford's rights.

102. Crawford is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**SIXTH CAUSE OF ACTION:
Sexual Assault and Battery**

103. Crawford repeats and realleges all facts set forth above.

104. Ratner intentionally touched or applied force to Crawford, in a harmful or offensive manner, and without her consent.

105. Ratner battered Crawford when he unlawfully sexually assaulted her by forcibly kissing her, placing her hand on his genitals and touching her body.

106. Ratner acted carelessly, recklessly and/or intentionally, and knew that his action against Crawford constituted assault, causing her apprehension of harmful or offensive contact.

107. Ratner's assault and battery of Crawford caused her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

108. Ratner's sexual assault and battery of Crawford has the character of outrage associated with crime, entitling Crawford to an award of punitive damages.

109. Ratner is liable to Crawford for compensatory and punitive damages.

DEMAND FOR RELIEF

WHEREFORE, it is respectfully requested that the Court enter judgment in Crawford's favor, as against Ratner, in an amount to be determined by the finder of fact, as follows:

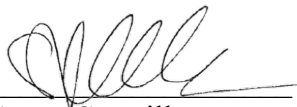
- a. on the First, Second, Third, Fourth, and Fifth Causes of Action, awarding compensatory and punitive damages, attorney's fees, and costs;
- b. on the Sixth Cause of Action, awarding compensatory and punitive damages; and
- c. granting such other relief as may be just.

DEMAND FOR TRIAL BY JURY

Crawford demands a trial by jury.

Dated: Brooklyn, New York
June 6, 2023

Respectfully submitted,



Susan Crumiller
Julia Elmaleh-Sachs
Crumiller P.C.
susan@crumiller.com
julia@crumiller.com

Carrie Goldberg
C. A. Goldberg, PLLC
carrie@cagoldberglaw.com

Together, d/b/a Survivors Law Project
16 Court St, Ste 2500
Brooklyn, NY 11241
(877) SLP-WINS
Attorneys for Plaintiff