

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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MIRIAM HERSH and MICHAEL HERSH.,  
Plaintiffs,

Index No. 006170-2009

- against -

FIRST AMENDED  
VERIFIED COMPLAINT

ELIZABETH REBECCA COHEN, RAPHAEL  
COHEN, ARYEH LARRY WOLBE, ELI WOLBE,  
ZVI GLUCK, JOSHUA AMBUSH, ARIEL  
FISHMAN, HINDA FISHMAN, EFFI  
GOLDSTEIN, ABE LIFSCHITZ, AYELET  
MEHLMAN, SARAH KREISLER, YOSEF  
SHIDLER, RACHEL ROSENGARTEN, DINA  
DEUSTCH, and JOHN DOES #1-18,

Defendants.  
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Plaintiffs Miriam Hersh and Michael Hersh, husband and wife (together, "Plaintiffs"), by and through their attorneys Danzig Fishman & Dacea, as and for their first amended verified complaint against defendants Elizabeth Rebecca Cohen, Raphael Cohen, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Joshua Ambush, Ariel Fishman, Hinda Fishman, Effe Goldstein, Abe Lifschitz, Ayelet Mehlman, Yosef Shidler Rachel Rosengarten, Dina Deustch, and John Does #1-18 (representing persons whose identities are as yet unknown to Plaintiffs but who engaged in tortious conduct that caused injury to Plaintiffs) (collectively or individually, as the context may imply, "Defendants") hereby allege as follows:

Preliminary Statement

1. This is an action by Plaintiffs who are the victims of a pernicious and malicious campaign of harassment and intimidation orchestrated principally by defendant Elizabeth Rebecca Cohen, acting in concert with, and aided and abetted by, the other defendants. The campaign was intended to, and certainly had the effect of, causing Plaintiffs' employers to terminate their employment contracts without cause and to interfere with Plaintiffs' prospective business relationships.

2. By this action Plaintiffs seek to recover damages caused by the Defendants' tortious interference with Plaintiffs' contracts, tortious interference with prospective business relations, intentional infliction of emotional distress and *prima facie* tort in connection with the tortious conduct of Defendants. Both Mr. and Mrs. Hersh lost their jobs, business relations and endured emotional distress as a direct result of Defendants' concerted efforts to cause exactly that result.

3. Until recently defendant Elizabeth Rebecca Cohen ("Cohen"), plaintiff Miriam Hersh's sister, portrayed herself as a caring sister and sister-in-law of Plaintiffs' and aunt to Plaintiffs' children. Unbeknownst to the Hershes, however, Cohen had for years despised Plaintiffs for no logical reason and had been during this time surreptitiously spreading falsehoods, gossip and defamatory statements about Plaintiffs.

4. Defendant Cohen carefully kept her feelings and wrongful actions secret, and did not reveal them to Plaintiffs,

who did not learn of Cohen's wrongdoing, or the depths to which she would go to act on her distorted feelings about Plaintiffs and their family, until the events described herein occurred.

5. While hiding behind a false front of piety and propriety, defendant Cohen worked to implement a plot that she had devised to cause Plaintiffs and their family intense emotional pain and suffering as well as significant monetary damages apparently to feed her own deranged view of life and intense jealousy of her sister, Plaintiff Miriam Hersh. The purported justification for the actions of defendant Cohen as herein described was to protect Plaintiffs two twin children. It is incomprehensible how inducing Plaintiffs' employers to breach the terms and conditions of their employment contracts and taking steps to preclude Plaintiffs from earning a living would benefit their children. Moreover, the actions of Defendants, spearheaded by defendant Cohen, caused massive damage to Plaintiffs' other six children. While defendant Cohen attempts to justify her conduct under the guise of the best interest of Plaintiffs' two twin children, in fact it was to satiate her envy for her sister's fulfilled life. In fact, defendant Cohen initiated her campaign of surreptitiously spreading falsehoods, gossip and defamatory statements about Plaintiffs immediately upon their marriage 21 years ago - long before any of their 8 children were even born.

Parties

6. Defendant Cohen resides at 559 Cedarhill Road, Far Rockaway, New York. Cohen is a sister of plaintiff Miriam Hersh and the wife of defendant Raphael Cohen.
7. Defendant Raphael Cohen resides at 559 Cedarhill Road, Far Rockaway, New York. He is the husband of defendant Cohen and the brother of defendant Ayelet Mehlman.
8. Defendant Aryeh Larry Wolbe resides at 7527 Apache Plume Drive, Houston, Texas. He is the brother of defendant Eli Wolbe.
9. Defendant Eli Wolbe resides in Neve Yaakov, Jerusalem, Israel. He is the brother of defendant Aryeh Larry Wolbe.
10. Defendant Zvi Gluck resides at 65-96 160th Street, Fresh Meadows, New York. Together with defendant Effe Goldstein, Gluck is listed as an officer of a Facebook group called "Save Y's Life."
11. Defendant Joshua Ambush is an attorney with offices located at Hilton Plaza, 1726 Reistertown Road, Suite 206, Baltimore, Maryland.
12. Defendant Ariel Fishman, upon information and belief, resides at 6613 B Hart Lane Austin, Texas, 144-27 Melbourne Avenue, Flushing New York and / or in Israel. He is the husband of defendant Hinda Fishman.
13. Defendant Hinda Fishman, upon information and belief, resides at 6613 B Hart Lane Austin, Texas, 144-27 Melbourne

Avenue, Flushing New York and / or in Israel. She is the wife of defendant Ariel Fishman.

14. Defendant Effe Goldstein, upon information and belief, resides in England. Effe Goldstein, together with defendant Abe Lifshitz, is one of the listed administrators of Facebook groups called "Save Y's Life."

15. Defendant Abe Lifschitz, upon information and belief, resides at 3212 Avenue P, Brooklyn, New York or 2015 Shore Parkway, Brooklyn New York. Together with defendant Goldstein, Lifschitz is one of the listed administrators, and also is listed as the creator of, a Facebook group called "Save Y's Life."

16. Defendant Ayelet Mehlman is an individual residing at 270 W 84th Street, New York, New York. She is a sister of defendant Raphael Cohen.

17. Defendant Sarah Kreisler resides at 11726 Lovejoy Street, Silver Spring Maryland. She is the sister of defendant Elizabeth Rebecca Cohen and of Plaintiff Miriam Hersh.

18. Defendant Yosef Shidler, upon information and belief, resides at 1639 Westwood, Los Angeles, California or 35 Coral, Greenwood Village, Colorado. Shidler hosts a website called [www.thecooljew.com](http://www.thecooljew.com).

19. Defendant Rachel Rosengarten, upon information and belief, resides at 89 Bates Drive, Monsey, New York.

20. Defendant Dina Deutsch, upon information and belief, resides at 817B Avenue M, Brooklyn, New York.

21. John Does 1-18 are individuals who participated in the tortious conduct whose identities are not presently known to Plaintiffs.

Allegations Common to all Causes of Action

22. The Hershes are the loving parents of eight children who range in age from 5 to 19.

23. The Hershes' twin boys, hereinafter referred to as "Y" and "S", are now 18 years old. Y and S were born with disabilities requiring special needs.

24. Mr. Hersh owns significant intellectual property rights to several international patents, as well as to sophisticated proprietary software products and his company's lead investors were located in Israel. In 2002, in furtherance of his business interests, the Hershes and their children relocated to Israel.

25. Because of their disabilities, Y and S required special tutoring in Israel to assist the Hershes' efforts to mainstream the boys in regular school programs; indeed, for some of the time, as a result of their disabilities, S and Y were not able to attend any school programs and were entirely home-schooled.

26. Plaintiffs hired defendant Aryeh Larry Wolbe, who then lived near them in Jerusalem, to tutor S and Y.

27. Unbeknownst to Plaintiffs, the Cohen called numerous of their - and Plaintiffs - relatives, friends, and neighbors to spread false rumors about the Hershes; they somehow discovered the tutoring arrangement with Aryeh Larry Wolbe that the Hershes had established for Y and S.

28. Defendant Cohen called Aryeh Larry Wolbe and stated to him that the Hershes were abusing their children and that Mr. Hersh was abusing his wife, who was afraid to seek help. The statements were false when made and known by defendant Cohen to be false.

29. As a result of the call to Aryeh Larry Wolbe, and numerous calls thereafter from defendant Cohen, he was persuaded by Cohen that the Hershes were child abusers when the allegation was completely false.

30. Thereafter, defendant Cohen began to frequently call the twins when they were at Aryeh Larry Wolbe's house for tutoring to speak with them outside of the supervision, and without the knowledge - much less consent - of Plaintiffs.

31. Defendant Cohen also arranged for the provision of cell phones for the twins - again without Plaintiffs' knowledge - and arranged for both the purchase and transfer of those phones to the twins in Israel for the purpose of surreptitiously calling them multiple times each week - and sometimes multiple times per day - over a period of several years without Plaintiffs' knowledge.

32. Upon information and belief, during the telephone calls made to Y and S by defendant Cohen while they were at Aryeh Larry Wolbe's house and to their secret cell phones (which took place almost daily over a two-year time span beginning when the boys were just 11 years old), defendant Cohen repeatedly told the twin boys that only she cared about them while their parents did not;

that their parents were mentally unbalanced and were abusing them; and that she intended to save them from their unbalanced and abusive parents. The statements were false when made and known by defendant Cohen to be false.

33. Defendant Cohen, who until then had been cordial at best, but had almost never shown any real interest in any of the Hershes' children, also arranged for Y and S to be sent gifts and monies without the knowledge of their parents, telling Y and S that she had to do so secretly, and that they needed to keep the gifts and monies secret from their parents, because, in the past, she had sent the twins gifts and monies through their parents and that their parents had kept the gifts and monies for themselves. The statements were false when made and known by defendant Cohen to be false.

34. While this was occurring, Plaintiffs found a new school for learning disabled and "special needs" children that was just opening in the northern Israeli village of K'far Zeitim which seemed well-suited to address the special needs of Y and S.

35. The school, on what was formerly a farm, still had the farm buildings and animals.

36. Its curriculum included academics for part of the day as well as farm and construction work to be performed by the students.

37. S agreed to attend the school in K'far Zeitim, and began there in the fall of 2004.



38. Y did not want to attend the K'far Zeitim school but preferred instead to attend school in North America. Plaintiffs agreed to accommodate Y's choice of attending a different school in North America.

39. Plaintiffs identified an appropriate school in Toronto, Canada for learning-disabled and "special needs" teenagers that came highly recommended.

40. Y agreed to attend the Toronto school, and the Hershes enrolled him there.

41. In the fall of 2004, Mr. Hersh personally flew with Y from Israel to North America to ensure that his transition to the new school in Toronto would be as successful as possible..

42. Plaintiffs would later learn that even before Mr. Hersh arrived in Toronto with Y, defendant Cohen had called the school and told its principal that Y was an abused child from an abusive home who had grown up in an abnormal home environment. The statements were false when made and known by defendant Cohen to be false.

43. When defendant Cohen learned that S had been placed in the K'far Zeitim school she called the school and told the school administrators that Mr. Hersh was abusing his children; that he had been severely beating the twin boys, locking them in rooms for long periods without food or water; and drugging them without a prescription so as to control them. The statements were false when made and known by defendant Cohen to be false.

44. Upon information and belief, defendant Cohen also instructed defendant Eli Wolbe and others to independently contact the schools Plaintiffs' sons were attending and repeat the same allegations of abuse, which they subsequently did.

45. As a result of her telephone calls, and those of her agents, the K'far Zeitim school was required to report the allegations to the Israeli authorities, which opened two investigations: a criminal investigation and a social services/child protection investigation.

46. The criminal investigation was closed almost immediately because - among other things - the police discovered that all the allegations were obviously false and without any basis whatsoever.

47. The Hershes later learned that the final Israeli Police report mentioned the fact that there was a "secret network" aligned against Plaintiffs that was being controlled from outside Israel by defendant Cohen and that there was absolutely no truth to the allegations.

48. The social services investigation, which involved extremely disruptive and intrusive probing into Plaintiffs' family life and the lives of their other six children, was not constrained by the absence of credible evidence as was the criminal investigation and, therefore, lasted for approximately six months.

49. During that six-month period, under Israeli law, S, the twin who was the subject of the investigation and allegations, was not permitted to return home.

50. At or about this time, Mrs. Hersh became very ill with lymphoma; even while the social services investigation had still not yet been officially concluded, on or about August 2005 the Hershes returned to New York in order to obtain more advanced treatments for Mrs. Hersh's illness.

51. While Plaintiffs were in New York the Israeli department of social services case came to the same conclusion that the Israeli police did; namely, that there was no substance whatsoever to the allegations and the complaint by Defendants was disposed of as "unfounded".

52. The Israeli Social services also ruled that S should be reunited with his parents.

53. In an apparent effort not to be denied, upon information and belief, Aryeh Larry Wolbe, acting in concert with defendants Elizabeth Cohen and Raphael Cohen Zvi Gluck and Dina Deutsch, set up many websites with Mr. Hersh's picture in which it was implied that Mr. Hersh was a child abuser and worse. At the time the websites were created, Defendants knew or should have known the information contained therein was false.

54. These sites expressly issued a "call to action," exhorting whoever viewed them to bring as much pressure as possible to bear upon the Hershes, and expressly listed the Hershes' home address so as to maximize the ability for people

who viewed the sites in cyberspace to harass, threaten and intimidate the Hershes in person.

55. In an unrelenting effort to further their self serving irrational agenda, upon information and belief, Aryeh Larry Wolbe and his agents or proxies, acting in concert with - and under the guidance of - defendant Cohen, also contacted New York City Administration for Children's Services ("ACS") several times and instructed ACS to view the websites that he had set up about Mr. Hersh.

56. As a result of the above mentioned telephone calls to ACS, ACS requested that Mr. Hersh grant to them permission to speak directly with Y at the Tranquility Bay, Jamaica School he was then attending. Mr. Hersh granted the request.

57. ACS, upon speaking with Y at Tranquility Bay, concluded that he was absolutely safe and was being adequately taken care of.

58. A supervisor at ACS then spoke with the Hershes to compliment them on having been so determined to help Y that they had not given up until they had located a facility that was appropriate for Y and appeared to be helping him with his disabilities. ACS then officially closed their investigation as "unfounded".

59. Upon information and belief, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Effe Goldstein, Abe Lipshitz, and Dina Deutsch, acting in concert with -and under the guidance of - defendant Cohen, also set up MySpace and Facebook groups and public pages

on the Internet, urging hundreds of teenagers across the country to picket and protest in front of the Hersh home (he listed their home address on the site); to call the Hershes at all hours of the day and night to demand Y's "release" (he also listed the Hershes' phone number); and to take any steps necessary to "convince" Mr. Hersh to bring Y out of Tranquility Bay.

60. Many of the posts on these group sites supported and even encouraged violence against the Hershes, causing them to fear for their personal safety and for the safety of their family.

61. In addition, Deutsch posted at least two known statements supporting sites which were actively demanding the termination of Mr. Hersh from Hatazalah and that he be put in jail for committing "federal crimes". These posts were false and were known or should have been known to be false by defendant Deutsch.

62. Upon information and belief, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Dina Deutsch and Rachel Rosengarten, acting in concert with - and under the guidance of - defendants Cohen, also began intensive efforts to embarrass, harass and intimidate plaintiffs by attempting to organize a large public protest on the Jewish Sabbath in front of the prominent synagogue of which the Hersh family had been members for the last twenty seven (27) years

63. In addition, upon information and belief, defendants Cohen, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Dina Deutsch and

Rachel Rosengarten and / or their agents or proxies, contacted many of the Hershesh' neighbors and told them that the Hershesh were child abusers, and encouraged these people to confront the Hershesh.

64. Upon information and belief, many of Mr. Hersh's friends, neighbors, business associates, investors, and potential investors in both Israel and the U.S. were approached by people sent by defendants Cohen, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Deutsch and Rosengarten, who harassed them and demanded to know how they could "continue to be associated with a man like Michael Hersh" which was intended to, and certainly had the effect of, interfering with his business relationships.

65. Upon information and belief, Aryeh Larry Wolbe also asked a friend in Israel to pretend that he was a reporter named "Erez Nussbaum" who was working for a major newspaper in Israel and this friend (John Doe #1) began to make many harassing and confrontational telephone calls to Mr. Hersh's cell phone, asking if he was planning on abusing, kidnapping or abducting any of his children.

66. Upon information and belief, Aryeh Larry Wolbe and/or defendants Cohen, or others acting on their behalf (John Doe #2) in concert with the other defendants called the New York City Police Department ("NYPD") anonymously and pretended that they were calling from the Hershesh' home address; the police were requested to "come to the house immediately due to criminal activity at the home."

67. The police immediately dispatched a squad car with two NYPD officers who were completely baffled upon arrival to find absolutely nothing wrong at the Hersh home. Defendants filed a false report which is criminal conduct under the Penal Code of the State of New York.

68. In October 2007, Mr. Hersh had taken a leave of absence from his company and accepted a position as Chief Executive Officer ("CEO") of Chevra Hatzalah ("Hatzalah"), a not-for-profit Orthodox Jewish institution that is the largest volunteer ambulance corps in the United States.

69. Hatzalah has almost 1,500 volunteers, 15 branches around New York, 75 ambulances and 2,000 emergency vehicles, and a multimillion dollar annual budget.

70. Mr. Hersh entered into a written employment agreement with Hatzalah pursuant to which he agreed to act as its CEO, a position which carries considerable prestige within New York's Orthodox Jewish community, at an annual salary of approximately \$200,000 plus a percentage of funds raised by the organization, an additional annual bonus of up to \$25,000, plus benefits and certain prerequisites. Under the written employment agreement Mr. Hersh anticipated earning annual compensation in the sum of \$300,000 or more. Under the terms and conditions of the employment agreement Mr. Hersh could only be terminated for cause.

71. In or about January 2008, when defendants Elizabeth Cohen and Raphael Cohen learned that Mr. Hersh had taken the

Hatzalah position and entered into a written employment agreement, upon information and belief, they, together with Aryeh Larry Wolbe, and Eli Wolbe, dispatched a person whose identity is as yet unknown to Plaintiffs (John Doe #3) to speak with the coordinators of the Flatbush branch of Hatzalah in an attempt to induce them to approach the Board of Directors of Hatzalah, advise them that their CEO was a "Nazi" and a "monster" who was guilty of child abuse, and that Hatzalah should immediately terminate Mr. Hersh's employment and that, if they did not immediately terminate Mr. Hersh, he and others would see to it that Hatzalah's name would be ruined and its business destroyed.

72. Upon information and belief, defendants Elizabeth Cohen, and Aryeh Larry Wolbe and Eli Wolbe, some of whom had contacts in Hatzalah, called their contacts at Hatzalah and told them that Mr. Hersh abused his children, and attempted to persuade these contacts to work to bring about the firing of Mr. Hersh in breach of his employment agreement. In addition, upon information and belief, defendants Elizabeth Cohen, Raphael Cohen, Arye Wolbe, and Eli Wolbe actively encouraged defendant Zvi Gluck - a member of Hatzalah who had many contacts in the organization - to inform all his Hatzalah contacts that Mr. Hersh abused his children, and to aggressively enlist the help of those contacts to force Hatzalah to breach their contract and terminate Mr. Hersh from his position as CEO of the organization, which defendant Zvi Gluck proceeded to do. The statements were false



and were known of should have been known by the defendants to be false.

73. Upon information and belief, at or about the same time, defendants Cohen and Aryeh Larry Wolbe informed Ariel and Hinda Fishman that Mr. Hersh was employed as Hatzalah's CEO and, with their encouragement, both Ariel and Hinda Fishman spoke to prominent people at Hatzalah to urge them to have Mr. Hersh fired for reasons other than for cause.

74. Upon information and belief, defendants Cohen Aryeh Larry Wolbe, Deutsch and Rosengarten also contacted several people at Hatzalah and urged them to take all steps possible to bring about the fixing of Mr. Hersh without cause but under the threat that Defendants would destroy the company.

75. Upon information and belief, Aryeh Larry Wolbe, Eli Wolbe, Elizabeth Cohen and Raphael Cohen and / or their agents then contacted defendant Joshua Ambush and had him commence in the United States District Court for the District of Columbia a federal lawsuit against the Hershes and the United States Department of State, supposedly on behalf of an organization called The Washington Center for Peace and Justice, Inc. ("WCPJ") (the "Ambush lawsuit") in connection with the Hershes alleged mistreatment of Y. At the time Defendant took this action they knew that the allegations in the lawsuit were frivolous and false. Upon information and belief, Ambush never attempted to effectuate service of process in the Ambush lawsuit on Plaintiffs. In fact, Plaintiffs were never served with process.

76. WCPJ is a purported non-profit organization with the same address as Ambush's office.

77. The WCPJ's charter had expired long before the filing of the Ambush lawsuit.

78. Ambush revived the WCPJ's charter only five days before filing the Ambush lawsuit.

79. The complaint in the Ambush lawsuit contains a paragraph that has nothing to do with the substantive allegations but which states that Mr. Hersh is the CEO of Hatzalah.

80. No claims were asserted against Hatzalah in the Ambush lawsuit.

81. Upon information and belief, the Ambush lawsuit was a sham action commenced solely for the purpose of attempting to get a shield to insulate Ambush and his agents from liability in connection with his anticipated tortious conduct and otherwise to bring about the termination of Mr. Hersh by Hatzalah.

82. Ambush then contacted the Hatzalah Board, informed the Board that he had filed a complaint involving child abuse charges in which he named Hatzalah, and threatened that if the Board did not immediately fire Mr. Hersh for no reason he would release the complaint to the media.

83. Ambush then issued press releases referring to the complaint.

84. He also posted copies of the Ambush lawsuit on the internet.

85. Then, upon information and belief, defendants Cohen and Aryeh Larry Wolbe and defendant Zvi Gluck, with the specific intent to induce Hatzalah to fire Mr. Hersh without cause, through an individual whose identity is as yet unknown to Plaintiffs ("John Doe #4), sent an anonymous e-mail to virtually the entire membership of Hatzalah on three separate occasions urging all members of Hatzalah to view the websites which chastised Mr. Hersh and accused him of being an abusive parent and husband.

86. This e-mail instructed all the recipients to "Please help save a boy's life!! View this web site and please take a moment to look at the press release and court papers."

87. The websites to which the e-mail referred the recipients were some of the sites set up, upon information and belief, by Aryeh Larry Wolbe, acting in concert with - and under the guidance of - Elizabeth Rebecca Cohen. The information on the websites was untrue and known by Defendants to be false.

88. The sites implied that Mr. Hersh was a "Nazi and child abuser". The information on the websites was untrue and known by Defendants to be false.

89. Aryeh Larry Wolbe, Elizabeth Rebecca Cohen, Raphael Cohen, and Zvi Gluck, intending to maximize the effects of their scheme, also disseminated the story to various media outlets.

90. Their allegations were picked up and printed by the New York Daily News, the New York Jewish Week and others, and gained wide notoriety in the Orthodox Jewish community in New York

91. The New York Times, Good Morning America and ABC News also called Mr. Hersh and/or Hatzalah's main offices seeking comments on the story intentionally fabricated by Defendants.

92. In the "Blogosphere" as well, the story gained momentum, exactly as defendants Cohen and Aryeh Larry Wolbe and Zvi Gluck intended and actively encouraged, with different websites picking up and reprinting quotes from other sites, including those that Aryeh Larry Wolbe and Zvi Gluck had previously set up.

Upon information and belief, at or about this time, the defendants and / or their agents, made numerous international phone calls to many of the 21 families living in the Hershes' former building in Israel, informing them that the Hershes were abusing their children in the United States, and attempting to actively solicit their assistance in the campaign against Mr. Hersh and his wife. The information was untrue and known by Defendants and their agents to be false.

93. These international emails, phone calls, and blogs eventually succeeded, exactly as the defendants intended and actively encouraged, in spreading the false story to many of the Orthodox communities throughout the United States, Canada, England, and Israel, all of whom were encouraged to "save a life" by joining the campaign to harass the Hershes and pressure Hatzalah to terminate Mr. Hersh's employment without cause.

94. One such site, [www.thecooljew.com](http://www.thecooljew.com), hosted by defendant Yosef Shidler, portrayed Mr. Hersh as a "Nazi" - even displaying

Mr. Hersh's photograph next to a swastika and a title page labeled "A Nazi Father" - specifically in an effort to get Hatzalah to fire Mr. Hersh, as Mr. Shidler later acknowledged during a radio interview.

95. In addition, other anonymous persons, upon information and belief associated with defendants Cohen and/or Aryeh Larry and/or Eli Wolbe and/or Zvi Gluck were repeatedly contacting Hatzalah on the telephone and via the internet to push for the firing of Mr. Hersh.

96. Some such individuals include an individual (John Doe #5) whose identity is not known to Plaintiffs, but who repeatedly posted on the HatzalahTalk website (a website for Hatzalah members) under the name "Attala Israel" and demanded that Mr. Hersh be immediately terminated from his position as CEO of Hatzalah.

Defendant Zvi Gluck ("Gluck"), a Hatzalah member, was happy to join forces with defendants Cohen, Aryeh Larry Wolbe and Eli Wolbe against Mr. Hersh because Mr. Hersh had previously denied Gluck access to certain confidential Hatzalah member files which Gluck had no authority to access.

97. Defendant Gluck, together with defendants Effe Goldstein and Abe Lifschitz, had also created, and were the administrators and/or moderators of, a Facebook group on the web called "Save Y."

98. On the front page of their Facebook group, intending to cause Mr. Hersh's termination as CEO of Hatzalah without cause,

Defendants posted an article that appeared on a website called [www.failedmessiah.com](http://www.failedmessiah.com).

99. Failedmessiah.com is hosted by an individual whose identity is not yet known to Plaintiffs ("John Doe #6).

100. The failedmessiah.com article bore the headline "Should this man be CEO of Hatzalah" above Mr. Hersh's picture, and stated that "[t]he better question is, shouldn't he and his wife be in jail?" and that the Hershes "have committed federal crimes."

101. By now, an internal battle at Hatzalah was raging over whether to keep Mr. Hersh in his job or to give in to the enormous and ever-increasing community and media pressure carefully orchestrated by the Defendants so as to make it necessary for Hatzalah to breach its contract with Mr. Hersh and fire him.

102. At or about this time, an anonymous individual (John Doe #7), upon information and belief associated with defendants Cohen, Aryeh Larry and Eli Wolbe and Gluck, posted on several public websites and blogs the names, home addresses, and cell phone numbers of the members of the Hatzalah Board of Directors who had hired Mr. Hersh and were most actively attempting to keep him in his position as CEO.

103. In addition, in those posts, this individual encouraged everyone reading the posts to harass the listed individuals for hiring Mr. Hersh, a man, the poster said, "with no previous employment history and a record of child abuse," and

to "demand they take immediate action [i.e., firing Mr. Hersh] to see that Hatzolah [sic] is kept out of the news and can return to their incredible mission of saving, not assisting in the destruction of, Jewish lives."

104. Upon information and belief, defendant Gluck, Eli Wolbe, Aryeh Larry Wolbe, and Cohen, together with the other defendants, continued to exert an ever more concerted effort in the Orthodox community to pressure the Hatzalah Board of Directors to fire Mr. Hersh without cause.

105. This effort included contacting community Rabbis, Community Activists, and wealthy, influential, and/or politically connected Community members, all of whom were told that Mr. Hersh was a terrible person with a "documented history of child abuse" who was thus not fit to continue in his prominent position as CEO of Hatzalah. At the time Defendants disseminated this information they knew that it was false.

106. Upon information and belief, wealthy and powerful community members, enlisted by defendants Gluck, Aryeh Larry Wolbe, and Cohen to have Mr. Hersh fired, contacted the Hatzalah Board of Directors and warned them that Hatzalah stood potentially to lose millions of dollars in funds if Mr. Hersh was not terminated.

107. Upon information and belief, defendants Elizabeth Cohen, Raphael Cohen, Aryeh Larry Wolbe, Eli Wolbe, Ariel Fishman and Hinda Fishman repeatedly spoke with several influential members of Hatzalah, including several members of the

Hatzalah Board of Directors, claiming to personally know the inside story of the Hersh family and to "confirm" years of child abuse by Mr. Hersh. At the time Defendants disseminated this information they knew that it was false.

108. Their explicit purpose in speaking with those Hatzalah members and Board Members was to induce Hatzalah to fire Mr. Hersh despite the fact there was no cause therefore.

109. Simultaneously, Defendants, and/or others on their behalf, also put additional pressure, from multiple sources, on the Hatzalah Board to terminate Mr. Hersh.

110. In addition, at or about the same time, defendants Cohen and/or Aryeh Larry Wolbe and/or Gluck, or others upon information and belief who were acting at their request, also contacted the head of the school at which Mrs. Hersh was employed as Director for the purpose of getting her fired from her job, a \$60,000 per year position, which is exactly what happened as a result that very same day.

111. On April 14, 2008, upon information and belief, defendants Gluck, Elizabeth Cohen, Raphael Cohen, and Aryeh Larry Wolbe and their agents and/or proxies ran a full page ad on page 15 of the largest Jewish newspaper in the country in which they expressed their "deepest appreciation to all those who gave of their time, effort, and money to save [Y]... The selfless devotion that they displayed to save a Jewish soul was truly inspirational".



112. This ad appeared more than two weeks after Y was out of Tranquility Bay and the media frenzy was beginning to subside; the ad was placed deliberately for the purpose of maintaining the intense media pressure on Mr. Hersh and on Hatzalah so as to ensure that Mr. Hersh would not be able to resume his position as CEO, which was under serious consideration at the time.

113. In addition, at or about that time, defendant Zvi Gluck gave a highly publicized 45-minute interview on an Orthodox Jewish radio station discussing the false story publicized about the Hershes and deliberately portraying Mr. Hersh in a negative light. The MP3 recording of this interview was then widely distributed throughout the Internet and Blogosphere and subsequently downloaded thousands of times from numerous websites. This interview occurred after Y was out of the Tranquility Bay School and was deliberately orchestrated for the sole purpose of increasing the already intense media pressure on Mr. Hersh and on Hatzalah so as to ensure that Mr. Hersh would not be able to resume his position as CEO.

114. Because of Defendants' concerted efforts, Hatzalah was induced to terminate Mr. Hersh without cause. Since Mr. Hersh had done nothing wrong and had only performed his duties at Hatzalah with honor and distinction, Hatzalah gave him the option of resigning rather than be fired. The sole reason for Mr. Hersh's termination was the actions of Defendants as aforesaid.

115. Both Mr. and Mrs. Hersh lost their jobs as a result of Defendants' campaign which was the intended result of Defendants wrongful and tortuous actions.

116. In addition to losing his job at Hatzalah, Mr. Hersh also suffered severe financial damages to the companies which he founded and whose assets included significant intellectual property and software programs with significant value reaching into the multiple millions of dollars..

117. Defendants Cohen, Aryeh Larry Wolbe, and Zvi Gluck, aided and abetted by the other defendants, have intentionally interfered with Mr. Hersh's ability to realize on the value of his companies, abilities, and assets by posting damaging and harmful misinformation about him on the web that has resulted in damages in an amount presently unknown but running into the millions of dollars.

118. In addition to the web postings, upon information and belief, defendants Elizabeth Cohen, Raphael Cohen, Aryeh Larry Wolbe, and Eli Wolbe, aided and abetted by the other defendants, have directly and/ or by proxy, with the intention of interfering with Mr. Hersh's existing and potential relationships, contacted one or more of Mr. Hersh's investors, potential investors, business partners and potential business partners to interfere with Mr. Hersh's ability to realize the full value of his intellectual property, equity positions and personal abilities.

119. In addition to the monetary damages listed, the Hershes have also suffered severe and significant emotional and

psychological trauma as a result of the extreme and outrageous conduct of the defendants, as alleged above.

120. In sum, as noted above, Defendants conspired with each other to cause extreme emotional and financial hardship to the Hershes, including in the manner alleged.

121. Additional members of the conspiracy include defendant Sarah Kreisler, who, at defendant Elizabeth Cohen's request, called the principal of the school that S attended in Rockland County, New York and told the principal that the Hershes were abusive, abnormal parents.

122. Ms. Kreisler also provided financial support to enable defendants Cohen and Aryeh Larry Wolbe to effectuate the aims of the conspiracy.

123. Upon information and belief, S. Kreisler made many additional calls on behalf of Elizabeth Cohen to effectuate the aims of the conspiracy.

124. Another conspiracy member, whose identity is not yet known to the Hershes, posted an article on Jewneric.com under the nom de plume of "Anonymous Rabbi" (John Doe #8) intending to cause Mr. Hersh to lose his job at Hatzalah.

125. This defendant, in the post, reported that Mr. Hersh was the CEO of a prominent Orthodox organization based in Brooklyn," a thinly veiled reference to Hatzalah that everyone reading the post would recognize.

126. He also falsely stated that Y "had been abused by his father and ran away to live with a family in Texas. ... Eventually,

Isaac's parents lured him back to Brooklyn with promises of financial assistance, as well as promises to help him secure a visa to work in Canada as a summer camp counselor. When he reached Brooklyn he was bound, gagged and handcuffed, thrown in the back of a van, and flown to Jamaica to a 'boot camp.'

127. Still another member of the conspiracy is the hoster of a website (John Doe #9) known as vosizneias.com (Yiddish for "what is news?"), or VIN. The Hershes are not yet aware of the identity of John Doe #9/VIN, who posted many entries on his/her website intending that Mr. Hersh be fired from his position at Hatzalah.

128. John Does #10-20 are additional individuals, male and/or female, and/or entities who have engaged in the tortious conduct and conspiracy described above, but whose identities are not yet known to Plaintiffs.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(Tortious Interference With Contract)**

129. Plaintiffs repeat and reallege all the allegations contained in paragraphs 1-130 of the Complaint as if those allegations were set forth fully herein.

130. At all relevant times, the Defendants were aware that a contract existed between Hatzalah and Mr. Hersh.

131. Defendants intentionally and with malice induced Hatzalah to breach its employment agreement by terminating him without cause on or about May 29, 2008.

132. Mr. Hersh has suffered damages as a result.

133. Defendants conspired with each other to carry out and effectuate the tortious conduct alleged above.

134. Accordingly, plaintiff Michael Hersh is entitled to a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$10,000,000.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(Tortious Interference With Prospective Business Relations)**

135. Plaintiffs repeat and reallege all the allegations contained in paragraphs 1-135 of the Complaint as if those allegations were set forth fully herein.

136. At all relevant times, the Defendants were aware that Mrs. Hersh was employed as a school Director.

137. Defendants intentionally and with malice induced Mrs. Hersh's employer to terminate her without cause. Ms. Hersh's employment was terminated on or about March 27, 2008. Not coincidentally, Mrs. Hersh was terminated on the same day that Defendants and their co-conspirators announced to the media that Y was currently being abused in Tranquility Bay and had been abused by his parents in the past.

138. Plaintiffs have suffered damages as a result.

139. Defendants conspired with each other to carry out and effectuate the tortious conduct alleged above.

140. Accordingly, plaintiff Miriam Hersh is entitled to a money judgment against Defendants, jointly and severally, in an

amount to be determined upon the trial of this action but presently believed to be in excess of \$1,000,000.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(Tortious Interference With Prospective Business Relations)**

141. Plaintiff repeats and realleges all the allegations contained in paragraphs 1-141 of the Complaint as if those allegations were set forth fully herein.

142. Mr. Hersh is a developer of, among other things, sophisticated assessment software which is cutting edge and has significant international market potential.

143. Upon information and belief, at all times Defendants were aware of Mr. Hersh's business and his customers or potential client base.

144. Mr. Hersh had relationships and prospective relationships with third parties - investors, potential investors, business partners, and potential business partners - who were going to make investments or conclude business transactions valued in the tens of millions of dollars in connection with Mr. Hersh's intellectual property and / or equity positions and / or personal abilities, and who did not make such investments or conclude such business transactions as a result of the conduct of the Defendants. These potential business transactions include deals with Cisco certain other multi-billion dollar corporations which may be disclosed to the Court at a later time. The prospective clients included the United States

government including the United States Armed Forces, and certain State and Federal authorities, as well as Fortune 500 companies

145. Defendants have interfered with those business relations acting with the sole purpose of harming the plaintiff, using culpable or wrongful means causing injury to, and loss of, the business relationships.

146. Mr. Hersh has suffered damages as a result.

147. The Defendants conspired with each other to carry out and effectuate the tortious conduct alleged above.

148. Accordingly, plaintiffs are entitled to a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$100,000,000. This amount includes losses for the contracts, investments, business transactions and loss of good will in the community at large.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
(Intentional Infliction of Emotional Distress)

149. Plaintiff repeats and realleges all the allegations contained in paragraphs 1-149 of the Complaint as if those allegations were set forth fully herein.

150. Defendants' conduct was extreme and outrageous, willful, wanton and malicious, outside the boundaries of decency and shocking to the conscience. Through that conduct, the defendants inflicted severe pain and anguish upon the Plaintiffs through a deliberate and malicious campaign of harassment and intimidation.

151. The Defendants conspired with each other to cause injury to the Plaintiffs, who have suffered damages as a result.

152. Accordingly, plaintiffs are entitled to a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$100,000,000.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**(Aiding and Abetting)**

153. Plaintiff repeats and realleges all the allegations contained in paragraphs 1-153 of the Complaint as if those allegations were set forth fully herein.

154. The Defendants provided substantial assistance to each other in carrying out the scheme alleged above.

155. The Hershes suffered damages as a result.

156. Accordingly, plaintiffs are entitled to a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$100,000,000.

**AS AND FOR A SIXTH CAUSE OF ACTION**  
**(Prima Facie Tort)**

157. Plaintiff repeats and realleges all the allegations contained in paragraphs 1-157 of the Complaint as if those allegations were set forth fully herein.

158. In the alternative, to the extent that the Defendants' acts are otherwise deemed lawful, Defendants without excuse or



justification, by an act or a series of acts which would otherwise be lawful, caused damages to Plaintiffs as alleged above, intending to cause such damage.

159. Accordingly, plaintiffs are entitled to a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$100,000,000.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against defendants Elizabeth Rebecca Cohen, Raphael Cohen, Aryeh Larry Wolbe, Eli Wolbe, Zvi Gluck, Joshua Ambush, Ariel Fishman, Hinda Fishman, Effe Goldstein, Abe Lifschitz, Ayelet Mehlman, Yosef Shidler, Rachel Rosengarten, Dina Deustch, and John Does #1-18 as follows:

A. On the First Cause of Action awarding to Plaintiffs a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$10,000,000;

B. On the Second Cause of Action against awarding to Plaintiffs a money judgment against Defendants, jointly and severally, in an amount to be determined upon the trial of this action but presently believed to be in excess of \$1,000,000;

C. On the Third, Fourth, Fifth and Sixth Causes of Action against Defendants, jointly and severally, in an amount to

be determined upon the trial of this action but presently believed to be in excess of \$100,000,000;

D. On all Causes of Action, awarding to Plaintiffs post judgment interest, attorneys' fees and the costs of this action;

E. On all Causes of Action, awarding to Plaintiffs punitive damages against Defendants, jointly and severally, in an amount to be determined upon the trial of this action; and

F. Granting to Plaintiffs, such other and further relief as to this Court may seem just and proper.

Dated: White Plains, New York  
March 19, 2010

DANZIG FISHMAN & DECEA

BY: 

THOMAS B. DECEA

A Member of the Firm

Attorneys for Plaintiffs

Miriam and Michael Hersh  
One North Broadway, 12<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 285-1400

VERIFICATION

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER            )


THOMAS B. DECEA, ESQ., being duly sworn, deposes and says:

I am one of the attorneys for plaintiffs in this action. I have read the foregoing plaintiff's First Amended Verified Complaint, know the contents thereof and verify that the information is true, except as to those matters therein stated upon information and belief, and as to those matters I believe them to be true.

My beliefs as to those matters therein stated upon information and belief are based upon books, records, documents and memoranda in the files of plaintiffs. The reason this verification is being made by me is that the plaintiffs is outside of the county where our offices are located.

  
THOMAS B. DECEA

Sworn to before me this  
19<sup>th</sup> day of March 2010

  
Notary Public

**YENISEY RODRIGUEZ MCCLOSKEY**  
Notary Public, State of New York  
No. 02RC0065473  
Qualified in Kings County  
Commission Expires Oct. 22.