

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

JANE DOE,

Plaintiff,

-against-

NBCUNIVERSAL MEDIA, LLC,
LORNE MICHAELS, HORATIO SANZ,
JAMES FALLON, and TRACY MORGAN,

Defendants.

Index No. 951302/21

**VERIFIED SECOND
AMENDED COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff Jane Doe, by her attorneys, Crumiller P.C., as and for her verified second amended complaint against defendants NBCUniversal Media, LLC (“NBC”), Lorne Michaels, Horatio Sanz, James Fallon, and Tracy Morgan, respectfully alleges as follows, upon information and belief:

PRELIMINARY STATEMENT

“They put a stage in it, they put a few futons all around, and they’d get strippers and girls to come and do shows. You’d walk in there and get your dick sucked, there was usually some fucking going on, and there was liquor and couches everywhere.”

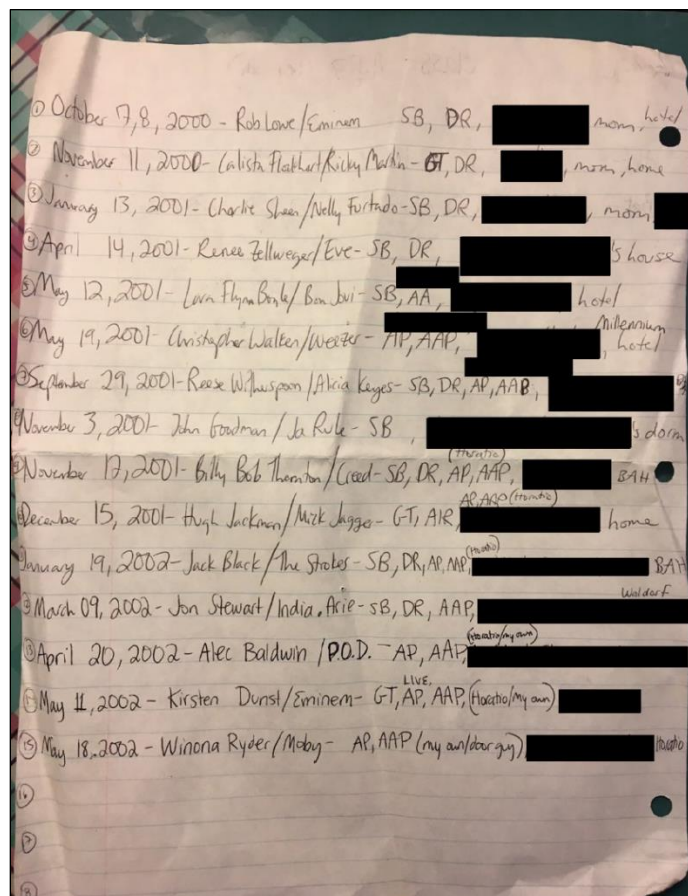
—Tracy Morgan, describing the Saturday Night Live after-party where 17-year-old Jane Doe was publicly sexually assaulted by Horatio Sanz

1. *Saturday Night Live* (“SNL”) occupies an iconic place in America’s television history. Since its creation in 1975, millions of viewers have tuned in to watch SNL each week. The show has transformed dozens of comedians to A-list celebrities and household names; historically, it has been considered the Holy Grail of opportunities for aspiring and established comedians alike.

2. Central to the SNL cast’s culture are its world-famous “after-parties” and “after-after-parties,” to which SNL transports guests in limousines from its offices at Rockefeller Center. These parties are the stuff of legends; they are major career networking opportunities with the rich and powerful SNL luminaries.

3. In the early 2000s, the transcendent stars of SNL were famous cast members like Tina Fey, Rachel Dratch, Tracy Morgan, Will Ferrell, Maya Rudolph, Jimmy Fallon, Seth Meyers, and Ana Gasteyer. It was well-known among the SNL crowd – including Lorne Michaels, its creator, showrunner and producer – that teenage girls were regularly invited to these parties and served alcohol, along with the celebrities.

4. One such girl was Jane Doe. In 2000 to 2002, from age 15 to 17, Jane was a fixture at SNL. She attended the show and/or after-parties on no fewer than 17 separate evenings, including over 20 SNL parties, where she and her teenage friends socialized with SNL cast and executives alike.



Until the assault, Jane kept detailed records of her SNL trips, including who hosted each night's episode, musical guests, which tapings and/or parties she attended, where she stayed, and friends who accompanied her.

5. In 2002, Tracy Morgan hosted a notorious “after-after-party” where hired sex workers were part of the entertainment. However, another unwitting part of the entertainment was 17-year-old Jane. At this party, cast member Horatio Sanz groped Jane’s breasts and buttocks and rubbed her vagina, in full view of party onlookers, continuing the assault even as she implored him to stop. Jane not only felt sexually humiliated and degraded, but her lifelong career aspirations of working at SNL ground to a halt – as the entire SNL cast watched and her idols, Tina Fey and Rachel Dratch, laughed at her.

6. Sanz groomed, abused, and molested Jane on numerous occasions. He cyber-chatted with her throughout her teenage years: discussing her performing oral sex on men, instructing her how to touch her “pussy” and nipples, and playing out various fantasy scenarios in which Jane degraded herself for Sanz’s sexual gratification.

7. Jane suffered lifelong trauma as a result of Sanz’s sexual abuse and all of those at NBC who enabled and condoned it. She was profoundly dehumanized as her heroes stood and laughed at her while her teenage body was violated. She felt like she would never be the same. Her mental health and professional aspirations were entirely derailed.

8. This lawsuit seeks justice for Jane against Sanz and his enablers.

PARTIES

9. Plaintiff Doe is an adult woman who resides in Pennsylvania.

10. Defendant NBC is a limited liability company with its principal place of business at 30 Rockefeller Plaza, New York, NY 10112. NBC is one of the largest media, entertainment, and broadcasting companies in the world; its revenues in 2021 were over 34 billion dollars.

11. Defendant Michaels is an adult man who, upon information and belief, resides in New York. Michaels is a creator of SNL and has been Executive Producer at all relevant times herein.

12. Defendant Sanz is an adult man who, upon information and belief, resides in California.

As an SNL cast member, Sanz was an NBC employee from 1998 to 2006.

13. Defendant Fallon is an adult man who, upon information and belief, resides in New York.

From 1998 to 2004, Fallon was an SNL cast member; he was then, and still remains, an NBC employee.

14. Defendant Morgan is an adult man who, upon information and belief, resides in New

Jersey. As an SNL cast member, Morgan was an NBC employee from 1996 to 2003.

JURISDICTION AND VENUE

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

16. Venue is appropriate pursuant to CPLR § 503(a) on the basis that the events giving rise to these claims occurred in New York County.

FACTUAL ALLEGATIONS

I. Saturday Night Live

17. In 1974, NBC executives approached 30-year-old comedian Lorne Michaels to create a comedy show to fill the Saturday nighttime slot. Along with producer Dick Ebersol, Michaels created what would become his legacy: a sketch comedy variety show featuring celebrity guests and musical performers, originally called *NBC's Saturday Night*. Michaels assembled an all-star cast of nine comedians, and on October 11, 1975, the show premiered with great success. In 1977, the show changed its name to *Saturday Night Live*, as it remains today.

18. SNL quickly developed a reputation as being cutting-edge and bawdy, with a mix of established actors and new talent. However, the show was plagued from the outset with gender discrimination issues. Over the decades, SNL's misogynist culture, as well as severe gender imbalances in the cast and writers' room, have been widely known and well-reported. Numerous

female cast members over the years have described their experiences in extremely negative terms: for example, Jane Curtin (“World War I”); Julia Sweeney (“Just thinking of [the Lornettes] makes me so happy I quit”); Janeane Garofalo (“the most miserable experience of my life”); Nora Dunn (“traumatic”); Julia Louis-Dreyfus (“very sexist, very sexist”); Anne Beatts (“The only entrée to that boys club [for women] was basically by fucking somebody in the club”); and Ana Gasteyer (“When I first came to [SNL], women were so- it was so presumed that you were going to crash and burn and be destroyed and chewed up and eaten up by the show that I had nowhere to go but hope.”)¹

19. At the center of the SNL orbit is Michaels, a person regularly described as “legendary” in numerous media profiles, and one of the most powerful figures in the entertainment industry.

“Michaels says SNL is his life and his legacy — and he runs it with a ferocious authority that’s a stark contrast to the mellow manner he exhibits.”²

¹ See, e.g., Andrew James Miller and Tom Shales, *Live From New York: An Uncensored History of Saturday Night Live, as Told By Its Stars, Writers and Guests*, Little, Brown, and Company: 2002; Chris Smith, *Comedy Isn’t Funny*, *New York Magazine* (Jun. 5, 2008), available at <https://nymag.com/arts/tv/features/47548/> (last accessed Aug. 22, 2022); Dan Zak, *Lorne Michaels still lives for Saturday night*, *the Washington Post* (Nov. 29, 2021), available at <https://www.washingtonpost.com/arts-entertainment/2021/11/30/lorne-michaels-kennedy-center-honors/> (last accessed Aug. 22, 2022); Katie Warren, *Young female ‘SNL’ staffers say they were treated like ‘a joke,’ with sexual advances, babysitting requests, and an unsolicited nude photo*, *Business Insider* (May 23, 2022), available at <https://www.businessinsider.com/saturday-night-live-sexism-horatio-sanz-lawsuit-2022-5> (last accessed Aug. 22, 2022); Tomás Mier, *Horatio Sanz Accuser Takes Aim at ‘SNL’ Cast: ‘They Knew It Was Inappropriate’* *Rolling Stone* (Feb. 17, 2022), available at <https://www.rollingstone.com/tv-movies/tv-movie-news/horatio-sanz-accuser-details-complicity-1302005/> (last accessed Aug. 22, 2022); Tome Sykes, *SNL’s Chris Kattan: Lorne Michaels Pressured Me to Have Sex With ‘Clueless’ Director Amy Heckerling*, *The Daily Beast* (May 19, 2019), available at <https://www.thedailybeast.com/snl-chris-kattan-lorne-michaels-pressured-me-to-have-sex-with-clueless-director-amy-heckerling> (last accessed Aug. 22, 2022); Diane Herbst and Aurelie Corinthios, *Julia Louis-Dreyfus Remembers ‘Sexist’ ‘Saturday Night Live’ Set: ‘People Were Doing Crazy Drugs,’* *People Magazine* (December 9, 2019), available at <https://people.com/tv/julia-louis-dreyfus-recalls-sexist-saturday-night-live-set/> (last accessed Aug. 22, 2022). Marc Maron, *Episode 1305 – Ana Gasteyer*, *WTF with Marc Maron* (Feb 14, 2022), available at <http://www.wtfpod.com/podcast/episode-1305-ana-gasteyer> (last accessed Aug. 23, 2022).

² Stacey, Wilson Hunt, *A Rare Glimpse Inside the Empire of ‘SNL’s’ Lorne Michaels*, *The Hollywood Reporter* (Apr. 22, 2011), available at <https://www.hollywoodreporter.com/news/general-news/how-snl-s-lorne-michaels-became-179894/> (last accessed Aug. 22, 2022).

20. Michaels is known for controlling every detail on the show.³ He has complete power and authority over it, which he wields singularly. One ex-cast member described:

“Lorne wants people to feel insecure. . . . It’s the same techniques cults use—they keep you up for hours, they never let you know that you’re okay, and they always make you think that your spot could be taken at any moment by someone else.”⁴

21. Over the years, Michaels has famously surrounded himself with a bevy of young, blonde, conventionally-attractive female assistants, widely known as “the Lornettes.” In 1991, he married his third wife: a Lornette, 18 years his junior.

22. Michaels and SNL have a storied history of minimizing, disregarding, and/or burying sexual assault allegations. In 1995, cast member Chris Farley was accused of groping an “extra” (an actor with a non-speaking role) on the show – part of a well-known habit he had of sexually harassing women.⁵ Unlike many sexual assaults, this was no “he said, she said” incident. Rather, Farley’s behavior was widely known and simply excused. Jim Downey, a long-time SNL writer, approvingly described another incident in which Farley actually physically picked up an unsuspecting waitress, carried her downstairs, and forced her into a cab. Downey said, “Chris liked to do that, do big put-ons with strangers who didn’t know who he was. In most cases, people realized it was a joke and were happy to be a part of it.”⁶ Cast member Norm MacDonald also minimized Farley’s behavior, saying, “It was all harmless, but obviously because he had a lot of money, some extra came on the show and decided this amounted to sexual harassment.”⁷

23. Farley suffered no repercussions. He thought it was funny; when asked about the allegations, he simply shrugged and said, “Daddy was a naughty man.”⁸

³ Hunt, “Rare Glimpse,” *Hollywood Reporter* (2011).

⁴ Chris Smith, *Comedy Isn’t Funny*, *New York Magazine* (Mar. 13, 1995), available at <https://nymag.com/arts/tv/features/47548/> (last accessed Aug. 22, 2022).

⁵ Smith, “Comedy Isn’t Funny,” *New York Magazine* (1995).

⁶ Farley and Colby, “The Chris Farley Show” Viking (2008).

⁷ Tom Farley and Tanner Colby, *The Chris Farley Show: A Biography in Three Acts* at 200, Viking (May 6, 2008).

⁸ Smith, “Comedy Isn’t Funny,” *New York Magazine* (1995).

24. In 1995, the cast underwent massive turnover. Fallon and Sanz both joined SNL in 1998. The two became extremely close friends and proceeded to share an office – “like roommates” – for six years.⁹

25. In 2000, Tina Fey, an SNL writer since 1997, became the first female head writer of SNL; she also joined the cast, and joined Weekend Update with Jimmy Fallon as co-anchor.¹⁰

26. From 1999 to 2003, Scott Sassa was the president of NBC’s West Coast division. He made regular visits to NYC. Similar to Michaels’s “Lornettes,” Sassa was accompanied on his visits by a group of young women referred to as “Scott Sassa’s Pussy Posse.”¹¹

27. One writing-and-research intern described what it was like to work at SNL in the early 2000s at age 19:

“Female interns ‘were made to feel like you are here to just absorb the experience but not truly learn anything . . . You’re here to get the coffee. You’re here to get the food.’ She added that male cast members would ask about new pretty female interns and invite them to the after-parties. ‘No one was asking who the guy interns were,’ she added.”¹²

28. Another young staffer described SNL as “an incredibly sexist environment” during this period. “Numerous people [reported] there was a feeling at ‘SNL’ that young women were

⁹ The Tonight Show Starring Jimmy Fallon, *Jimmy and Horatio Sanz Reminisce About Their SNL Days (Extended Interview)*, YouTube (May 4, 2017), available at <https://www.youtube.com/watch?v=14yiLrIolQA> (last accessed Aug. 22, 2022).

¹⁰ However, Fey’s behavior was no less misogynist than her male colleagues’. In 2000 or 2001, she jokingly asked one former SNL writer whether he had “finger-popped” his son’s 14-year-old girlfriend. Katie Warren, *Young female ‘SNL’ staffers say they were treated like ‘a joke,’ with sexual advances, babysitting requests, and an unsolicited nude photo*, Business Insider (May 23, 2022), available at <https://www.businessinsider.com/saturday-night-live-sexism-horatio-sanz-lawsuit-2022-5> (last accessed Aug. 22, 2022). Fey has since come under fire publicly for her frequent use of rape jokes. Melissa McEwan, ‘30 Rock’ Thinks Rape is Hilarious, Shakesville (Sept. 24, 2010), available at <http://www.shakesville.com/2010/09/30-rock-thinks-rape-is-hilarious.html> (last accessed Aug. 22, 2022); Camillo Belforte, *Scene taken from ‘The Fabian Strategy’, S05E01*. YouTube (2012) available at <https://www.youtube.com/watch?v=SNny8iGCbew> (last accessed Aug. 22, 2022); and repeated use of blackface on the show she later created, *30 Rock*, as well as using a transphobic slur to describe celebrity Paris Hilton. Fey has also been criticized for the racism in her shows; see, e.g. Ryan General, *Tina Fey Gets Called Out for Fetishizing the Abuse of Asian Women in ‘Mean Girls,’* NextShark (Jun. 24, 2020), available at <https://nextshark.com/tina-fey-portrayals-asians-problematic/> (last accessed Aug. 22, 2022).

¹¹ Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

¹² Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

expendable.”¹³

29. Jeff Richards, a cast member from 2001 to 2004, was widely discussed throughout the SNL crowd as being a serial predator. Yet, he was permitted to openly and notoriously abuse women for years without repercussion until he left the show in 2004, which he described as his own decision.¹⁴

30. More recently, in 2019, cast member Chris Kattan reported that Michaels himself had openly pressured him to have sex with an industry executive, Amy Heckerling, to keep her interested in a future NBC project. While Kattan described the encounter as consensual, he admitted that he “was very afraid of the power she and Lorne wielded over my career.”¹⁵

31. Access to SNL is extremely difficult and in high demand. NBC’s coveted “page” program – effectively a one-year paid internship where employees can help work on SNL and other NBC programming – is more selective than the country’s most exclusive colleges.¹⁶ To this day, SNL is considered an unrivaled career opportunity.

II. SNL’s Infamous After-Parties

32. An important and enduring aspect of SNL culture is its famous “after-parties,” a tradition that originated during the show’s very first season. Each week, after the show, SNL rents out a trendy restaurant or other event space for cast, crew, and other invitees, where food and alcohol is served. The show transports guests from the studios to the party in limousines.

¹³ Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

¹⁴ Jane Ganahl, *After ‘SNL,’ Jeff Richards is moving onto movies. First came public access*, San Francisco Chronicle (Jul. 19, 2004), available at <https://www.sfgate.com/entertainment/article/After-SNL-Jeff-Richards-is-moving-on-to-2706483.php> (last accessed Aug. 22, 2022).

¹⁵ Sykes, “Kattan: Lorne Michaels Pressured Me to Have Sex With ‘Clueless’ Director,” The Daily Beast (2019).

¹⁶ Jenna Johnson, *Life of an NBC page isn’t quite like ‘30 Rock,’* the Washington Post (May 12, 2011), available at https://www.washingtonpost.com/blogs/campus-overload/post/life-of-an-nbc-page-isnt-quite-like-30-rock/2011/05/11/AFiTX00G_blog.html (last accessed Aug. 23, 2022).

33. According to Michaels, when the show began, the SNL after-parties “quickly became the coolest, wildest, most important show-business parties in the city.” Michaels himself remains a fixture at them.¹⁷

34. In 2014, the *New York Times* described,

“Now almost four decades into its run and much of that time with the reputation as the coolest party in town . . . the only thing that would break up this party was the coming of dawn or the depletion of the night’s supply of mind-altering substances.”

Of course, it is “still a work party.”¹⁸

35. When Sanz joined the SNL cast in 1998, he took on much of the party planning. He gained status among the cast for his deliberate attempts to recreate the bawdy party environment of the 1970s and early 80s. Sanz explained:

“‘The after-after was ours,’ Mr. Sanz said defiantly. ‘Mad or not, you could come wasted.’ The reprobate tomfoolery and alcohol, he said, ‘was a part of the creative process in the beginning, and it’s been written about and talked about, and I kind of wanted to have the same thing for our generation.’”¹⁹

36. Sanz took it upon himself to coordinate an “after-after-party location” and to create and print out tickets, presumably in the SNL office he shared with Fallon.

37. Sanz has described being in charge of the after-after-party as “part of [his] job”:

“That was part of my job. I wasn’t paid for it, but it was a big part of my job in New York was having a place for us to be able to party after the after party. . . I wanted a place for us to hang out at. And then, eventually, I did it and the people at work really liked it. The crew, they were invited every week. . .

“I had heard about the legendary parties of the 70s. I wanted to bring that back. . . That go all night thing. That raw kind of chaotic situation.”²⁰

¹⁷ Smith, “Comedy Isn’t Funny”, *New York Magazine* (2008).

¹⁸ Paul Brownfield, *Lives of the After-Party*, *New York Times* (Jan. 31, 2014), available at <https://www.nytimes.com/2014/02/02/fashion/SNL-Saturday-Night-Live-Lorne-Michaels-after-party.html> (last accessed Aug. 22, 2022).

¹⁹ Brownfield, “Lives of the After-Party,” *New York Times* (2014).

²⁰ kevinpollakschatshow *KPCS: Horatio Sanz #233*, Youtube (Apr. 14, 2015), available at https://www.youtube.com/watch?v=n_XUxPevmFc (last accessed, Aug. 22, 2022).

38. Part of the “reprobate tomfoolery” involved the presence of visibly-underage teenage girls who were regularly recruited to attend the after-parties and after-after-parties.

39. At least one cast member, Jerry Minor, was “disturbed” by the noticeable and regular presence of these “obviously teenage girls.” Minor described, “The Hilton sisters would show up. I remember knowing they were underage. They’d get a table. I know they’re rich, but this can’t be right. Nobody gave a shit. Nobody cared.”²¹

40. Indeed, the NBC bouncers who guarded the doors at the after-parties and after-after-parties, with clipboards of invitee’s names, were clearly instructed to permit entry to girls regardless of their age:

“One former intern said she had no problem getting into several ‘SNL’ after-parties and after-after parties, even though she was only 18 at the time. ‘I was a baby,’ she said. ‘And I’m 5 feet tall. Even now I get carded. So at 18 I must’ve looked like a middle schooler.’”²²

III. Jane Doe Was An Especially Dedicated Young SNL Fan

41. Meanwhile, the general public continued to tune in each week to SNL, knowing nothing about the predatory and misogynistic culture that permeated the show, both on and off set.

42. And thus, one special night in 1996, eleven-year-old Jane Doe was allowed to stay up late to watch SNL because her favorite band, Bush, was the musical guest.

43. Jane immediately became obsessed with SNL. The fact that the show was not only late at night but live excited her – there was a sense of danger and that anything could happen. Watching it, she felt like she had finally been invited to “the cool party.”

44. Jane had been a talented writer since a young age. In fifth grade, her teacher had successfully recommended her for the gifted program at her elementary school by submitting her

²¹ Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

²² Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

writing samples to the program. Jane became fixated on the dream of becoming an SNL writer and maybe even a cast member on the show.

45. Like many independent children of that era, she spent much of her free time in the family's "computer room" – home computers were relatively new – chatting with friends and strangers on aol.com and, in Jane's case, creating rudimentary websites.

46. In April 1999, at age 14, Jane created an SNL fan website. In those early internet days, any such website gained the immediate attention of the subject, and Jane's website was no exception. She also began posting regularly on SNL message boards, where she and other die-hard fans discussed SNL news and updates. It was widely known that SNL cast and staff read these message boards regularly.

47. On both her website and the message boards, Jane spoke regularly about her life as a young teenager.

48. In 1999, 14-year-old Jane traveled to New York City with her mother and brother to attend a book signing at Barnes & Noble for the book *I Hate This Place: The Pessimist's Guide to Life*, written by Jimmy Fallon and his sister, Gloria Fallon. Jane was over the moon at the opportunity to meet Fallon in person. She "had been waiting for this day all summer long," and meeting her idol did not disappoint the self-described "die-hard" Fallon fan.

49. The encounter was documented in a *New York Magazine* article:

"At his packed Barnes & Noble book signing last week, one 14-year-old from Pennsylvania had driven three hours with her family to lay eyes on him. 'He's perfect,' she said, looking very close to tears."²³

²³ Ariel Levy, *Not Jerry Seinfeld*, *New York Magazine* (Oct. 18, 1999) available at <https://nymag.com/nymetro/arts/features/2139/> (last accessed Aug. 22, 2022).

50. In January 2000, when Jane was 15 years old, someone hacked into her fan website, leaving abusive comments. She received a lot of supportive messages, but one stood out: an email from Fallon himself.

51. The email said something like:

Hi Jane, This is Jimmy. (Yes, the real deal.)

I was sorry to hear that someone hacked into your website the other day. I also saw that they said some pretty mean things to you. I am sorry this happened to you. I don't know why some people are so mean. It never helps, and I'm sorry it happened to a cool girl like yourself. Anyway, you worked hard and made a really cool site that I checked out and enjoyed, so don't let that sort of stuff get you down.

I am using an email thing from one of the girls at work, so I don't think I will be able to get any replies. Thanks again for being awesome! You made a great website! -Jimmy Fallon

PS- Here is a note from Horatio [Sanz]: Hey Jane! You did a great website so don't worry about those losers! YOU ARE COOL!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!²⁴

52. Jane was surprised and confused, but mostly flattered, to receive these messages. She thought that Sanz must really think she was cool, because of how enthusiastic his message was and how many exclamation points he used. It felt like maybe he even had a crush on her. And, naturally, anybody who was friends with Fallon was obviously cool.

53. Jane dutifully continued posting on her website and the message boards. A few months later, a cast member read one of her posts on the air; it was further confirmation that the cast knew of Jane and was reading her posts.

IV. Sanz Flirts With, and Kisses, 15-Year-Old Jane

54. Friday, October 6, 2000, was the day before the SNL season premiere. That afternoon, 15-year-old Jane, with her mother and two friends, made the exciting hours-long trip to NYC to wait in the "standby line" for SNL tickets for the first time.²⁵

²⁴ Jane cannot locate the original email, but recalls it well, having read it over a dozen times.

²⁵ The "standby line" for SNL begins to form on Friday afternoon outside 30 Rockefeller Plaza, the famous building at Rockefeller Center known as "30 Rock" where NBC has its offices and where the SNL studios are located. Fans bring sleeping bags and folding chairs to camp out overnight until tickets are distributed in the morning. Currently,

55. The group left immediately after school to arrive in line around 6:00 p.m. They came prepared with sleeping bags, snacks, and a CD player, knowing they would be spending the night on the sidewalk.

56. Jane was giddy when stars Horatio Sanz and Will Ferrell came out of the studio that evening and she got to meet them.

57. Jane was the only one in line to recognize her role model, Tina Fey, who had yet to appear on camera, and would do so for the first time the next day. Other than the Jimmy Fallon book signing, it was her first time seeing so many of her idols in person. She was star-struck.

58. The next evening, the group attended SNL's dress rehearsal. They then hung around the building's side entrance until 1:00 a.m., waiting to catch a glimpse of cast members as they left the building after the show. Gloria Fallon recognized Jane, came over to say hello, and assured her that she would make sure she got to speak with Jimmy.

59. The best part of the whole weekend was learning that both Fallon and Sanz knew who she was. When Fallon emerged from the building, he not only recognized Jane, but came up to ask her if she had received the email he and Sanz had sent.

60. Sanz, who was 31 years old, was flirtatious and physically affectionate with 15-year-old Jane when he met her this second night. He kissed her cheek and rested his hands on the small of her back suggestively. She was enamored with him and felt they "had sparks."

61. Jane and Fallon chatted and joked with each other at length. "You're the best," she told him; "No, YOU'RE the best!" he responded. They went back and forth with this several times. He told her he had something to give her and rummaged in his bag. He handed her a stack of

in light of covid-19, there is a virtual line whereby one must email NBC to request a ticket. Anybody can do so provided they are 16 years old at the time of taping. See NBC, *See Favorite NBC Shows Live!* Available at <https://www.nbc.com/tickets/pages/tickets-and-nbc-studio-tour#snl> (last accessed Aug. 23, 2022).

papers: it was the rundown (SNL's internal cue sheet) from his very first Weekend Update. She immediately added it to her burgeoning SNL memorabilia collection.



During her first weekend trip to SNL, Jane hung out and took photos with Fallon and Sanz on Friday night and Saturday evening.

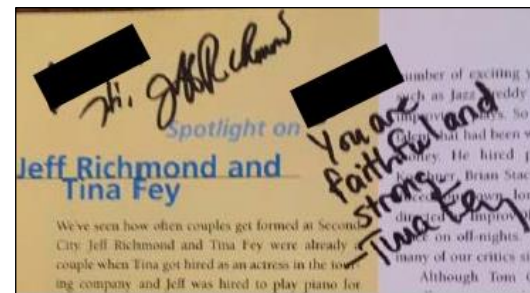
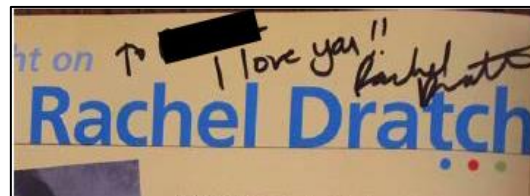
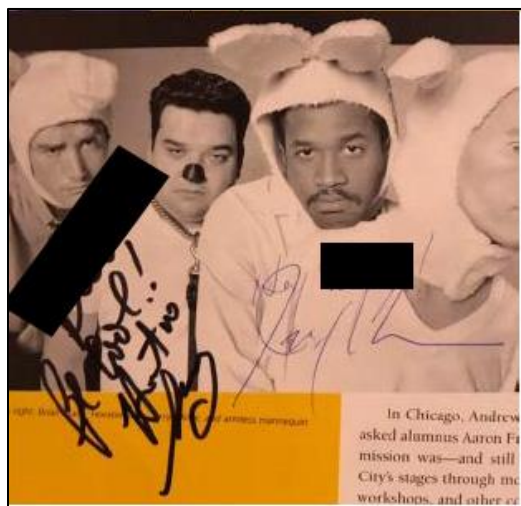
62. Jane immediately began planning her next SNL trip. She remembered how Sanz had kissed her and flirted with her and decided to create a little gift for him. She cut out phrases from her favorite catalogs and magazines, like *Delia's* and *Seventeen*, such as “me and you,” “cute,” and “so fun together,” and glued them to a photo of the two of them, which she framed.

63. About a month later, on November 11, 2000, Jane traveled to NYC again, with her mother and a friend, to wait in the standby line. When she saw Sanz after the show, she gave him the photo. Sanz gave her a huge smile when she handed it to him. The frame had a little wooden peg on the back that popped out, such as to prop the photo on a table; Sanz asked her what he was supposed to do with the peg. With both hands ostensibly occupied, he asked 15-year-old Jane if she would put the peg in his breast pocket. She complied, clumsily unbuttoning Sanz's breast pocket and inadvertently touching his nipple through his shirt. She felt uncomfortable about this seemingly unnecessary contact but was overwhelmed by her excitement and put any skeptical feelings aside.

64. Jane was flattered by the flirtatious attention; she also quickly recognized it as a way to solidify her relationship with these stars she aspired to one day join. She joked on her website about giving Lorne Michaels oral sex. She internalized the clear message that her sexuality was the path toward getting the attention of the SNL higher-ups.

65. On January 13, 2001, now 16, Jane made her third trip to the standby line, again with her mother and the same two friends. Before the show, she saw Fallon, who remembered her.

66. After the show, she chatted with Fallon again in the NBC lobby. Jane asked several SNL stars to autograph a book she had with her as they emerged. Sanz wrote, “Jane, Be cool!” Tina Fey, who knew of Jane from her website and her posts on the message boards, wrote, “Jane, you are faithful and strong.”



Autographs Jane collected from some of SNL's biggest stars. Sanz wrote, “Be cool!”; Dratch wrote, “I love you!”; Fey wrote, “You are faithful and strong.”

67. When Dratch came out, Jane introduced herself. Dratch said, “Oh my god, are you THE Jane?” When Jane confirmed, Dratch yelled, “I LOVE YOU!”

68. On April 14, 2001, Jane and her friends traveled to NYC to wait in the standby line for the first time without a parent. When Sanz saw her this time, not only did he recognize her, but he commented on her new haircut. Fallon came out later and independently commented on

Jane's hair as well. She was excited that they remembered her so well and felt like she was becoming part of the group.

V. 16-Year-Old Jane Begins Drinking at SNL After-Parties

69. The next month, on May 12, 2001, 16-year-old Jane made her fifth trip to the SNL standby line. This time, she attended with two teenage girls she had met through the online message boards.

70. Incidentally, that night, there was a huge premiere party at the Rockefeller Center ice-skating rink for the movie "Swordfish," starring John Travolta. Jane and her friends snuck over and managed to snag VIP passes from a few guests as they departed. Free alcohol and marijuana were served to all guests, including Jane and her obviously-teenage friends.

71. Jane saw that others were flashing their VIP passes to get into the actual SNL building. She and her friends did so and went in. Jane pushed the 8th floor button, knowing that the SNL sets and dressing rooms were there. After wandering around completely unsupervised, the girls came across an NBC guard. Jane was worried that she would be in trouble, but the guard reassured her they weren't. "You know what NBC stands for?" he asked her. "Nobody cares."

72. The next day, after attending the taping, Jane was invited to the SNL after-party for the first time, along with her friends. Dratch was excited to see Jane again; she and Sanz both joked, "Is that Jane the fan? It's Jane the fan! A fan drinking at the party!" 16-year-old Jane drank, danced, and partied with Sanz and Dratch.

73. The next week, May 19, was the SNL season finale, after which the show would go on hiatus for the summer until mid-September. Naturally, Jane and her friends traveled to NYC for the event. This time, Dratch and Chris Parnell, another cast member, admitted 16-year-old Jane and her two teenage friends to the after-parties.

74. NBC always hosted multiple after-parties for the season finale: the first one being downstairs in the plaza and the second one upstairs in Studio 8H, the SNL studio. Jane and her friends drank beer from the open bar downstairs before heading upstairs, where they continued to drink and party with NBC cast members and other employees while exploring the offices. Throughout the night, Jane had conversations with many people, including several NBC employees, to whom she mentioned that she was 16 years old. The security guard had been correct – NBC, indeed, “didn’t care.”

75. Upstairs, Jane entered a room to find Sanz regaling a group of six to ten people, including several NBC employees, with various stories. As soon as he saw her, Sanz yelled, “Hey Jane, you bitch!” and beckoned her over. He grabbed her and put her on his lap, with his arm around her hips. For the remainder of the conversation, he kept her there, touching her hips and buttocks casually with his hands. Jane hung out with Sanz all night; in the early morning hours, Sanz talked an NBC security guard into letting them up onto the roof to watch the sunrise.

VI. Sanz Begins Grooming Jane Over AOL Instant Messenger

76. On August 23, 2001, Jane (who was still 16 years old) received an “instant message” (“IM”) on AOL from “Sarah” (a pseudonym), another girl who ran another SNL fan website from her home in Utah. Sarah had just turned 16.

77. Sarah told Jane that she had received an IM from someone claiming to be Sanz, with the online moniker “Marblechomper.” Sarah knew that Jane knew Sanz, so she asked her to help verify his identity.

78. Jane IMed Marblechomper, asking him what he called her when he saw her in person. He responded correctly with the pet name he had given her, confirming it was actually him.

79. Sanz instructed Jane to keep their online communications secret:

Sanz: Don't tell anybody. Promise?

Jane: on my life.

Jane: Sarah didn't tell anyone either. Just me. Don't worry

Sanz: okay I trust you two weirdo's.

80. Sanz was friendly and called her "dear." He encouraged her visits, saying, "[m]aybe Lorne will give you his [SNL] tickets." He also asked her to "be cool," a phrase he would return to over the years as a reminder to keep their relationship secret.

81. Sanz struck up online relationships with both teenage girls.

82. He began communicating regularly with Sarah, discussing their lives, as well as Sarah's goals and aspirations. Sarah found it odd that a grown man (let alone a major celebrity) was choosing to spend so much time chatting with a teenager from a small town. But, she found the attention exciting and validating, and was too young and naïve to suspect anything untoward.

83. Sanz also began communicating regularly with Jane. He leaked information about future SNL hosts and musical guests to her, enabling her to post insider information on her website and attract more visitors. Jane felt this was part of her ongoing progression into the SNL in-crowd.

84. Sanz provided emotional support to Jane after the September 11, 2001 attacks. Jane explained to him that she had been in class when the attacks occurred. Sanz reassured her that things would eventually get back to normal. By now, they were IMing incessantly.

85. Sanz chatted online with both girls about their time in high school. He encouraged both of them to move to NYC after they graduated. He called them both "hon" and "dear."

86. Sanz spent hours and hours slowly escalating the intimacy of his conversations with Jane. He learned every detail about her and used jokes to gradually normalize talking about sex.

87. From the beginning, Sanz regularly asked both girls to send photos of themselves.

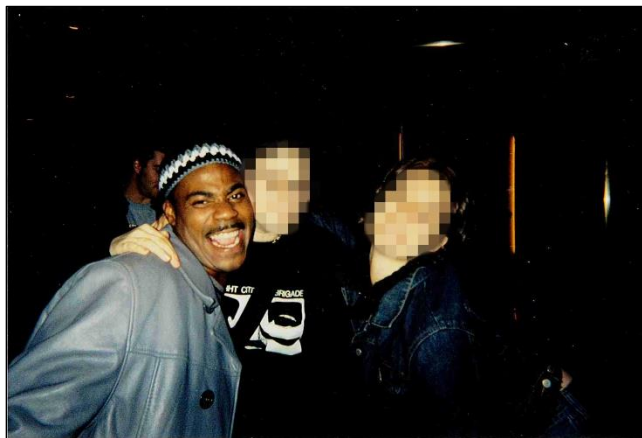
88. Jane did, although she felt self-conscious about it. On one occasion, she wore a low-cut shirt and pulled it down, taking a photo pointing down her shirt. Sanz complimented the angle.

89. Sarah felt uncomfortable and made up various excuses. Sanz once chastised her, teasing, “You haven’t sent me a picture yet... You’ve been bad.”

90. The next season began on September 29, 2001. Again, Jane traveled to NYC to wait in the standby line along with three female teenage friends.

91. This was a momentous episode; it was the first episode after the 9/11 attacks, and the country was still raw and reeling from the tragedy. The world watched as New York-based SNL cast and special guests Paul Simon, Rudy Giuliani, Reece Witherspoon, and Alicia Keys assured America it was okay to laugh again.

92. Cast member Tracy Morgan and his friend, comedian Harris Stanton (who appeared in many SNL sketches), invited Jane and her teenage friends to the after-party. Morgan and Stanton knew that this was a group of teenagers. Yet, at the party, Jane and her friends were served alcohol, which they drank openly in full view of many NBC employees.



Jane poses for a photo with Morgan and a teenage friend during one of her many weekend trips to SNL.

93. Jane spent time at the after-party drinking with Sanz and Fallon. Sanz was affectionate with Jane and gave her a bouquet of roses. It was the first of many times he would give her long-stemmed roses as a gift.

94. Only years later did Jane and her friends realize that they had only been invited to these parties as objects of sexual attention. At that party, for example, cast member Chris Kattan sexually propositioned Jane's 17-year-old friend and rubbed her thigh without her consent. Like Sanz's, Kattan's behavior was in full view of the other party attendees.

95. That friend later recalled:

“[Sanz and Jane] were definitely cuddly and arms around each other. And for all intents and purposes, as an outsider, as a 17-year-old, and from me and Jane talking, they were a couple to me... They were dating in some capacity, and I'm like, 'Look at how cool Jane is for dating this older guy. . . . I look back now and I'm like, 'Why would any famous person entertain us? Why would they even give us the time of day?' And it's because they were predatory.

“I will say that they knew what they were doing. They knew it was inappropriate. Thirty-some, 40-some-year-old men know that I look nothing... I looked like a baby at 17.”²⁶

96. Jane became so intoxicated at the party that she does not remember large portions of the night. Her friend remembers Fallon taking Jane's wine glass from her. However, Jane simply figured she needed to watch herself better. From her innocent perspective at the time, she was simply becoming part of the SNL crowd.

97. She continued to post online about her dreams of working for the show, as well as posting about the SATs and other aspects of her high school life. On October 17, 2001, NBC gifted a computer to one of her friends, who was running a site similar to hers. She took this as a sign of hope that SNL sought to encourage efforts like hers and that she was on the right track. That year, Jane won the award for being the “Best Writer” of her 1,000-person eleventh-grade class.

98. Sanz used Jane's career aspirations to groom her by dangling opportunities. In 2001, Jane pitched an idea to Sanz for an SNL skit, which subsequently appeared on the show.

²⁶ Mier, “Sanz Accuser Takes Aim at SNL Cast,” Rolling Stone (2022).

99. On November 3, 2001, Jane went to NYC again to wait in the standby line and hang around the SNL building. She hung out with Sanz, per usual, and remembers taking care to hide their secret online relationship. Jane did not go to the after-party this time because she was with a male friend, who was reticent about going to an adult party.

VII. 16-Year-Old Jane Drinks Alcohol With Lorne Michaels

100. On November 17, 2001, 16-year-old Jane attended another SNL taping with two teenage friends. This time, Sanz put her on his own guest list for the after-party.

101. As Sanz's guest, Jane had access to the roped-off "VIP" area, where she spent much of the night sitting at a table with Fallon, Fallon's manager, and two fashion designers, drinking alcohol and sharing calamari with Fallon.

102. The group discussed that Jane was a high school student and was studying for the SAT exam. Fallon commented at one point, "so you have a few years before you graduate." The others seated became very quiet for a moment when Jane mentioned that she was a junior in high school, but quickly moved on.

103. Fallon asked Jane for her phone number, but she didn't have a pen. He also told her that he had met a "girl" on Jane's website message board.

104. Jane's heart raced as Fallon then brought her over to Michaels' booth. Michaels was sitting with two other middle-aged men in business suits. She couldn't believe it when Michaels said that he regularly read her website "when [he wants] to know where Jimmy is." Michaels chatted with her and gave her advice on pursuing a writing career.

105. Neither Michaels nor the others at his table had a pen, so Jane wrote her number for Fallon using her sparkly lip gloss on a napkin.

106. On December 8, 2001, Jane attended a taping with two of her teenage friends (a couple: one boy and one girl). Her friends did not join her for the after-party; as Jane's friend explained, she "knew there was no way SNL was gonna let a teenage boy into the party, only teenage girls."

107. At one after-party, when Jane entered the bar, Kevin Dorff, a writer for the NBC show "Late Night With Conan O'Brien," yelled out, "She's so underage!" By this point, virtually everyone at NBC knew who Jane was since she was a regular presence at the after-parties, in particular with Sanz. Nor was it any secret to anybody at NBC that she was "so underage."

108. On January 19, 2002, Jane and her friends returned to NYC for another taping and attended the after-party. Jane had been warned by many to stay away from Jeff Richards, who was a regular presence at the SNL parties. However, one of her friends was made an unlucky target. Richards grabbed her buttocks without her consent, in full view of other party attendees.

109. Richards later sexually assaulted another one of Jane's friends in an elevator, in an incident the friend described as something between a sexual assault and an attempted rape, while an NBC limousine driver waited outside. When Sanz heard that the friend was telling other partygoers about the assault, he instructed her to keep quiet about it.

VIII. Sanz Escalates His Grooming, With Jane and Others

110. Meanwhile, perhaps emboldened by his success with Jane, Sanz escalated his attempts to groom and impress Sarah. In December 2001, he sent Omaha steaks to her home as a Christmas gift. In February 2002, he got her tickets to the Foo Fighters' closing ceremony concert at the Salt Lake Winter Olympics. He continued to chat online with Sarah regularly, asking questions about her life and encouraging her to visit NYC. He eventually sent her tickets for the upcoming March 16th taping, so they could meet in person.

111. Sanz's messaging occurred at all hours of the day. Upon information and belief, he sent many of them while sitting several feet from Fallon in their shared office – probably where they had also sent the initial email to Jane when she was 15.

112. Sanz and Fallon were well-known as two peas in a pod. Years after they both left SNL, on May 4, 2017, Fallon hosted Sanz as a guest on his show, *The Tonight Show Starring Jimmy Fallon*. The two fondly reminisced about the “thousands of stories” they shared, involving heavy drinking and “letting off a little work steam” at the after-parties. Fallon ended the show by saying, “Anyway, I love you so much, man, you know that.” On June 18, 2019, Fallon hosted Sanz on his show again where they continued to reminisce. Sanz said, “We were partying a lot those days.”

113. The stories Fallon and Sanz were reminiscing about coincided with the period that Sanz was grooming Jane. Indeed, one story they shared involved Horatio hitting his head open at a bar; when Jane first met Sanz, shortly thereafter, his head was in a bandage from the incident.

114. They reminisced about a time Tom Brokaw got mad because they were playing wiffle ball in the hallway, but when someone said, “oh, it's just Jimmy and Horatio,” Brokaw responded, “Oh, well, if it's Jimmy and Horatio, they're cool. I'm cool with those guys.”²⁷

115. Under the circumstances, it is clear that Fallon was as aware of Sanz's online grooming efforts as he was of his in-person conduct.

116. On March 9, 2002, 17-year-old Jane attended the dress rehearsal after waiting on the standby line. She attended the after-after-party with a large group of friends.

117. The next week, on March 16, 16-year-old Sarah attended the taping at Sanz's invitation, having traveled to NYC alone from Utah and staying with a friend she had met online.

²⁷ The Tonight Show Starring Jimmy Fallon, “Jimmy and Horatio Sanz Reminisce About Their SNL Days,” YouTube (2017).

118. After the show, Sanz tried to persuade Sarah to join him at the after-party, but she felt uncomfortable and declined the offer. Sanz stopped contacting Sarah shortly after that.

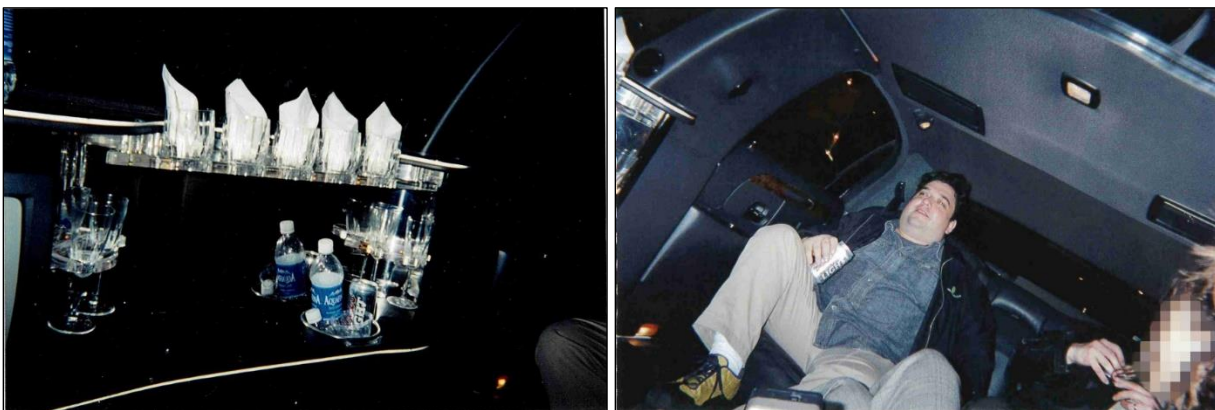
119. On April 20, 2002, 17-year-old Jane and her friends returned to SNL, where Sanz invited the group again to the after-party. Sanz escorted Jane around, where she became unusually intoxicated, to the point where she has no memory whatsoever of that night.

120. Meanwhile, Sanz continued to escalate the sexual nature of his conversations with Jane. He instructed her how to masturbate, instructing her to put one hand on her “pussy” and one hand on her “right nipple.”

121. Sanz especially loved talking about Jane giving oral sex to men. He positioned these conversations as though he was giving Jane love advice but consistently steered them toward sexual conversations and regularly asked her about her sexual activities with her boyfriends.

IX. Sanz Publicly Sexually Assaults Jane While SNL Stars Watch and Laugh

122. On May 11, 2002, Jane visited NYC for another SNL taping with two friends. After the show, Sanz invited Jane and her friends to join him in the NBC limousine, which was transporting him to the after-party. NBC had rented out the now-closed, but then-famous, Ristorante Barolo. In the limo, they drank Coors Light out of champagne glasses.



Jane took photos inside Sanz's limousine on the way to Ristorante Barolo.

123. As Sanz's guest, 17-year-old Jane was again permitted entry to the VIP area. Sanz kept his arm around her for much of the night as they talked with other guests, including Fallon and Morgan. At one point, when Sanz had his arm around Jane, Fallon hugged the two of them together, saying, "aww, you guys."



Jane drinks alcohol at Ristorante Barolo with Sanz and a friend.

124. Late in the night – probably around 4:00 a.m. – the group relocated to a party loft in lower Manhattan. Jane understood this to be a space that Morgan had rented out.

125. Though Sanz typically coordinated the after-parties, Morgan had insisted on hosting the party that particular week.

126. Sanz described:

“One time Tracy wanted to throw the party. And so, he would ask me and I tried to put him off at a couple times. I’m like, ‘It’s okay, Tracy. I got it. I got it.’ And he’s like, ‘No, man, I really want to throw the party this week.’ I’m like, ‘Okay.’ So he rented this floor on this building at ground zero. So we couldn’t look right into the footprint of World Trade Center.’²⁸

²⁸ kevinpollakschatshow *KPCS: Horatio Sanz #233*, Youtube (2015).

127. Morgan and his friends had rented out a loft space downtown where they had been throwing parties regularly. Morgan described the space:

“They put a stage in it, they put a few futons all around, and they’d get strippers and girls to come and do shows. You’d walk in there and get your dick sucked, there was usually some fucking going on, and there was liquor and couches everywhere.”²⁹

128. At the party, scantily-clad women walked around, serving drinks to the guests. Only later did Jane learn that they were actually sex workers whom Morgan and/or NBC had hired to engage in sexual activity with the guests as part of the party entertainment.

129. Yet, 17-year-old Jane was a welcome guest at the party. No measures were taken to ensure that she, or anyone else, was of legal drinking age. Instead, Jane was invited to drink freely the alcohol that was provided.

130. At the party, Sanz and Jane were sitting on a couch in the middle of the room, facing the entrance and kissing. 17-year-old Jane was very drunk as they made out, and Sanz began rubbing Jane’s vagina over her clothing.

131. In a moment that felt like her worst nightmare, Jane glanced up to see that the majority of the SNL cast was gawking at her. Worse, two of her lifelong idols, Fey and Dratch, were not only staring directly at her, watching her being groped, but giggling excitedly with their hands over their mouths.

132. Suddenly, Sanz grabbed Jane’s breasts and lifted them out of her shirt from behind, exposing them to all of the party attendees, but for his hands.

133. When Fey and Dratch saw Jane looking at them, they immediately hid behind others, though they continued to giggle.

²⁹ Tracy Morgan, *I Am The New Black*, Spiegel & Grau (Oct. 20, 2009). Morgan has described himself as “obsessed with sex.” Vinson Cunningham, *Tracy Morgan Turns the Drama of His Live Into Comedy*, *New York Magazine* (May 6, 2019), available at <https://www.newyorker.com/magazine/2019/05/13/tracy-morgan-turns-the-drama-of-his-life-into-comedy> (last accessed Aug. 22, 2022).

134. Most of the SNL cast was present. Jane personally witnessed that many other cast members saw the assault, including Seth Meyers, Maya Rudolph, and Ana Gasteyer. Gasteyer stood directly in front of Jane and Sanz, staring at them, with her mouth agape in utter horror; she looked like she was shaking with fright. Meyers and Rudolph stood next to Gasteyer; Rudolph looked disgusted. Will Ferrell stood on the side of the entranceway, toward the back, glancing at Jane and Sanz as he spoke to someone, looking unhappy.

135. Jane protested as best she could, asking Sanz repeatedly to stop, but he did not.

136. Jane's unwitting role as the party entertainment may have been terrible for her, but it served its purpose. In her 2012 memoir, Dratch later described that party as "the most memorable after-after party."³⁰

137. Jane was extremely uncomfortable. She kept asking Sanz to stop and telling him that she wanted to leave. Sanz insisted otherwise, continuing the assault as he simply insisted that she ignore the onlookers and told her that everything was fine. He said those things repeatedly. Jane felt timid and frozen in fear, like a deer in headlights.

138. After what felt like an eternity, two NBC employees approached Sanz, saying, "Are you fucking serious?" It was the only effort anybody made to stop the assault.

139. Finally, Sanz escorted Jane out of the party. He accompanied her to Penn Station in a taxicab ride. Throughout the ride, he kissed Jane repeatedly on the mouth and began removing both her clothing and his own. Jane was so drunk that she barely knew what was happening and passed out in the taxi. When she awoke, Sanz had unbuttoned her pants to put his hand inside her

³⁰ Rachel Dratch, *Girl Walks into a Bar...Comedy Calamities, Dating Disasters, and a Midlife Miracle*, Avery (Feb 5, 2013). Dratch also said, "I think I stayed at that party for about fifteen minutes, and it served as a tipping point—perhaps I had reached an age where I didn't have to go to every after-after-party." However, if Dratch actually did suffer any discomfort, she forgot about it quickly; in 2014, she said, "It's still such a ritual. I always went to the party. I didn't miss one party." Brownfield, "Lives of the After-Party," *New York Times* (2014).

underwear, and he was spreading her vagina with his hand. Jane remembers waking up and making eye contact with the driver, feeling completely shocked.

140. Fumbling, Sanz tried to button her pants, but failed, such that when Jane stood up to get out of the taxi, they fell down, exposing her to the rush of early morning commuters.

141. She somehow found her way to the train that took her home.

142. Jane texted a friend that she was relieved she had been wearing pantyhose underneath her pants (which she had done to appear skinnier) because she felt confident that Sanz, her ostensible mentor and close friend, would have raped her had he been physically capable of undressing her.

143. Jane struggled to comprehend what had happened to her. She had no resources or frame of reference whatsoever to process Sanz's behavior. She did not want to believe that Sanz was a sexual predator or that their relationship and his efforts to include her in the "SNL in-crowd" were rooted in his desire for sexual gratification. She made plans to attend SNL the following week, determined to resume life and to find out what had happened.

144. The next week, on May 19, Jane was admitted directly to the season finale party by an SNL bouncer, who recognized her and invited her in.

145. As before, at the season finale, the party began downstairs at Rockefeller Plaza and then continued upstairs. Jane met SNL producer Michael Shoemaker, which was a big deal to her. She thought it was important to impress him: she confirmed to herself that her hair looked nice enough, and that she felt confident that she was sophisticated and good-looking enough to talk to him. She drank wine while chatting with him about her fan site and her career path.

146. Afterward, Sanz and Fallon brought Jane and one of her friends upstairs to the party in the SNL offices.

147. When Jane confronted Sanz about his behavior the week before, he tried to turn things around on her by shaming her. He pretended to reassure her, saying, “don’t worry, Jimmy [Fallon] doesn’t care if you’re a slut.”

148. At the party, an NBC page coerced a drunken 17-year-old Jane into a stairwell, where he rubbed his body against hers. Sanz seized the opportunity to blame Jane for that as well, telling her that NBC security cameras had recorded the incident.

X. Jane Suffers Greatly In the Aftermath of the Assaults and Public Spectacle

149. When she got home, Jane was filled with shame and self-loathing. She wrote in her diary:

Too bad I fucked everything up last night and didn’t realize it until today. Too bad I had an awesome time last night and overanalyzed the fuck out of it today and convinced myself that I fucked everything up. I’m so friggin crazy. irresponsibility, Blah, Blah. . . .

Well, fuck it. I crossed the line. Or, at least, that’s what my tainted neurotic mind seems to be feeding itself. It’s like a dog that licks up its own regurgitated food. Ugh. What a fucking analogy. . . .

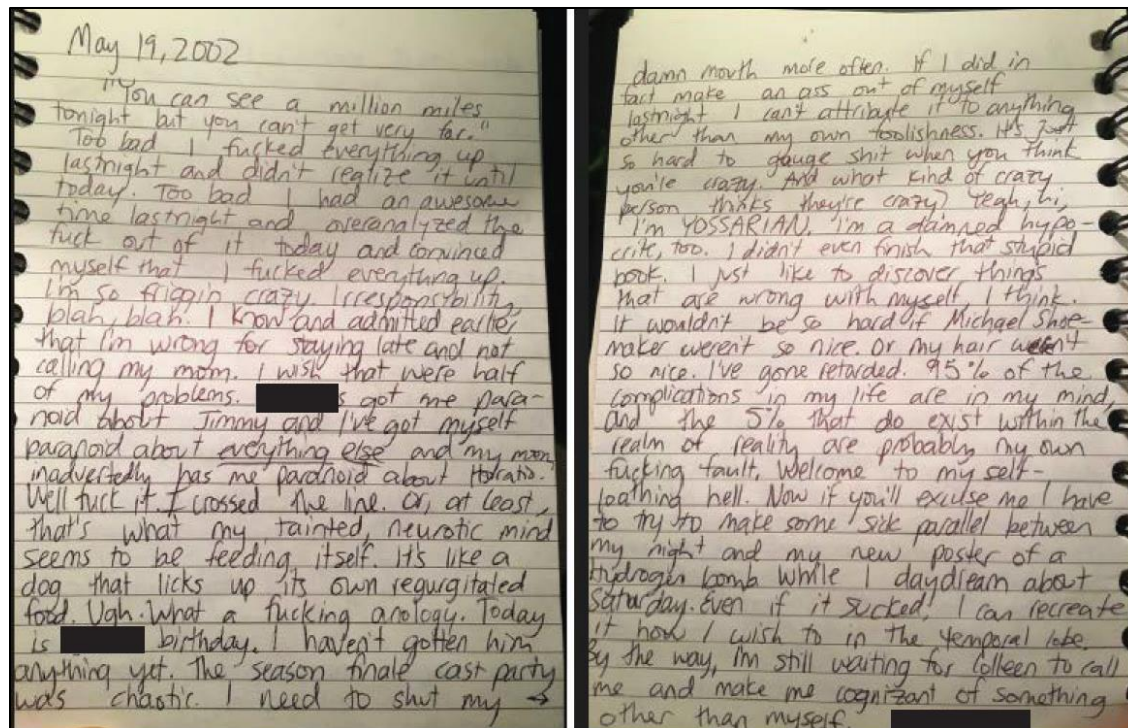
The season finale cast party was chaotic. I need to shut my damn mouth more often. If I did in fact make an ass out of myself last night, I can’t attribute it to anything other than my own foolishness. It’s just so hard to gauge shit when you think you are crazy. And what kind of crazy person thinks they’re crazy? Yeah, Hi, I’m YOSSARIAN.³¹

95% of the complications in my life are in my mind and 5% that do exist within the realm of reality are probably my own fucking fault. Welcome to my self-loathing hell. Now if you’ll excuse me, I have to try to make some sick parallel between my night and my new poster of a hydrogen bomb while I daydream about Saturday. Even if it sucked!

150. On May 22, 2002, Jane abruptly quit running her SNL fan website. She felt overwhelmed by shame and grief. She had wanted nothing more than to work at SNL; now, it seemed to her that her biggest role models, Fey and Dratch, simply thought of her as a groupie slut. She wondered how many years she would have to wait before everyone at the party would either

³¹ Yossarian is a character in the famous Joseph Heller novel, *Catch-22*, who suspects his own army commanders want to kill him.

forget the incident or leave the show. She abandoned her plans to try to attend college in NYC, feeling she had to keep a low profile and hope that everybody forgot about her.



A photo of Jane's diary entry after attending the SNL season finale party.

151. Sanz's abuse of Jane made her even more dependent on him. She felt that he was the only person who would respect and support her at this point and that she had nobody else to turn to.
152. On May 23, Jane described in her diary how Sanz had gained her trust and made her feel special by complimenting her maturity, an extremely common tactic by child molesters:

I keep thinking about the maturity thing, and the age thing. I told Horatio that I don't have too many friends my age. And he said, "cause you are so mature." I said, "cause I'm such a dork." He said, "a bit of both." I suppose that satisfies me.

153. When the next season began in the fall of 2002 – her senior year of high school – Jane continued to attend the tapings and the after-parties. By now, there was no question about getting in, as she was well-known and recognized by the SNL cast and bouncers. She attended tapings, after-parties, and/or after-after-parties, on October 12 and November 9, 2002, and January 18,

2003. However, things had changed. She began doing harder drugs at the parties. She remembers feeling ashamed as she snorted Adderall off of a Clinique mirror in front of an SNL employee.

154. Jane spiraled into depression as she struggled to understand her role in what had transpired. She felt confused, angry, betrayed, mortified, and helpless, as well as disillusioned with what had been her only life goal.

155. She thought she had no choice but to maintain Sanz's approval because she believed that his good graces, and his silence about her behavior, were her only path to salvation and her only potential connection to SNL. He exploited this dynamic by continuing to encourage her to pitch ideas for SNL, while also degrading her sexually.

156. Jane began regularly self-medicating with dissociative drugs. She began drinking cough syrup several times a week before school and snorting various pills, as well as getting into trouble at school and earning frequent detentions.

157. In 2003, at 18 years old, Jane left home for college. However, she had difficulty being open with her peers and had no ability to enter into healthy romantic relationships. One time, she tried to initiate a causal sexual encounter, as her peers had been doing, but she ended up crying and having a panic attack. Sanz was the only person she could be completely open with.

158. Jane continued to meet up with Sanz sporadically, but he was often quite cold to her in person, making her feel even more disoriented and confused.

159. Jane spent most of her sophomore year of college getting high by herself, experimenting with mixing various psychedelics and other hard drugs. She pushed away anybody who tried to befriend her. She grew progressively worse; by 2005, she had developed such severe mental disorders that she was institutionalized for nearly a month, and then sent home for the rest of the semester, where she ended up being hospitalized again.

160. She confided in Sanz about her experience:

Jane: it was the most hellish experience of my entire life, times a hundred

Sanz: Did you sleep with you proffesor [sic]

161. Sanz used his knowledge of her deteriorating mental state against her, insisting that she could never tell anybody else about it because they wouldn't understand. He continued to ask her for photos and talk to her about masturbation. He escalated his control as she became even more vulnerable and helpless. In December 2006, he sent her a series of IMs such as "would you let me piss on you" and "would you wear a leash while getting fucked."

162. Sanz's favorite scenarios specifically involved Jane degrading herself sexually for his benefit. One scenario Sanz discussed with her was that the two of them would have sex while he sucked the blood out of little cuts he had made in her skin. "THAT'S SO HOT," he wrote.

163. Their communications waned over the years, but they continued to stay in touch.

164. In the summer of 2019, Jane unexpectedly encountered Sanz at a comedy event. They had a bizarre conversation in which Sanz joked about all the "cybersex" they used to have. Sanz casually mentioned, in an offhand manner, that he had regularly masturbated while chatting with Jane online. Sanz had never disclosed that before, and it had not occurred to Jane that he might be doing so; she found it highly disturbing and off-putting. Sanz's comment contextualized his assault at the after-party and in the taxicab, and for the first time, Jane started to have doubts about the nature of what had happened between them.

165. On October 31, 2019, Jane was going through her old things as she prepared to move apartments. She found her old diaries; she had been a prolific writer, filling entire books at a time. Stopping to read what she had written – about how much of a crush she had on Sanz, and how deeply she had believed they were meant for each other – she realized how young she had been as he was courting and sexualizing her.

166. A few days later, Jane happened to watch a video clip of stand-up comedian Jeremy Kaplowitz performing at the Knitting Factory at “Schtick or Treat 2019.” Kaplowitz was mocking Jerry Seinfeld for having dated a 17-year-old at age 38; he imitated Seinfeld’s signature cadence, saying, “You ever notice how girlfriends are always talking about math homework? What is going on with that?”³²

167. Jane realized that if Jerry Seinfeld had done something wrong, then Sanz must have, too. She called a few friends who had attended the SNL parties with her when they were younger. Jane’s friends agreed that Sanz’s behavior had been predatory and inappropriate, suggested that he had “groomed” her, and expressed regret for not helping her at the time.

168. Jane started reading online about the grooming process, wherein predators systematically prepare child victims to accept sexual abuse. She read about six commonly identified grooming steps and realized that Sanz had followed them to a tee. Her mind was blown.

- The first step is targeting a victim. This was easy for Sanz to do, as a celebrity Jane adored, simply by contacting her. Sanz also knew that Jane came from a single-parent home, which made her especially vulnerable to exploitation. At the time Sanz first contacted Jane, she was less than half his age.
- The second step is gaining trust. Sanz had spent hours and hours gaining Jane’s trust by talking to her about their lives, learning every detail about her life, and encouraging her hopes and dreams.
- The third step is filling a need. Sanz deliberately made Jane feel older, more mature, and cooler by complimenting her maturity and treating her as part of his in-crowd. He fed her information for her website which enabled her to grow her standing and her audience. He got her into the after-parties where he brought her into the VIP areas.
- Step four is isolating the victim. Sanz did this by insisting that Jane keep their relationship secret, preventing her from forming the deep bonds with people her own age that form an integral part of a child’s development.

³² Jeremy Kaplowitz, *1990s Jerry Seinfeld Doing Bits About His 17-Year-Old Girlfriend (Jeremy Kaplowitz)*, YouTube (Oct. 28, 2019), available at <https://www.youtube.com/watch?v=Fp8tCqwushM> (last accessed Aug. 22, 2022).

- Step five is initiating sexual contact. Sanz first did this very slowly over time through their online communications. He normalized sexual conversations with her through jokes, using comedy as a gateway to sexually explicit subject matter. Then, in person, he started by touching Jane on her hips and buttocks and kissing her on the cheek regularly. He then escalated to the public assault. By that point, Sanz had successfully gaslit Jane to the point where she had no idea what had happened to her and only blamed herself.
- The final step is maintaining control. Sanz did this by threatening to out Jane as a “slut” and positioning himself as the only continuing source of her self-worth and affection.

169. On November 4, 2019, Jane told her roommates that she realized she had been groomed.

170. The realization that Sanz had exploited and abused her was a difficult one. He had played an enormous role in her life throughout her formative years. She fell into a deep depression and was barely able to leave her room, let alone her apartment, for months.

171. In an act of desperation, Doe reached out to Gloria Fallon, hoping to speak to her “as a woman” about what had happened to her when she was a teenager. She was careful not to blame Jimmy. Nevertheless, Gloria ignored the message.

XI. Sanz Admits Everything

172. On November 27, 2019, Jane sent a text message to Sanz, confronting him about their past. Sanz admitted what he had done and acknowledged that Jane had been 16 years old during their first sexual encounter. He claimed he “felt terrible about” the sexual abuse, and that “after the Tracy [Morgan] party I really tried to fix what I’d done.” Sanz did not explain what steps he had taken (he couldn’t, as there had been none). He described himself as “a creep but a wounded creep” and tried to explain:

“I wasn’t really thinking. But I really didn’t do that with others. It was a fucking big mistake. I’m very sorry. If you want to metoo me you have every right. Just believe me I’m not like that anymore.”

173. However, he avoided taking full responsibility, saying, “. . . I let us get closer and closer. I was a weak man.”

XII. More Victims Come Forward After This Lawsuit Is Filed

174. After this lawsuit was filed in August 2021, many other women came forward to describe how they had been mistreated and sexually harassed as young women at SNL, during the same timeframe, and in some instances, by the same individuals – both on- and off-set.

175. One former SNL intern came forward to describe how Sanz had tried to assault her, too, in the early 2000s. At an after-after-party, he had followed her into a bedroom and closed the door behind them, cornering her and trying to forcibly touch her breasts. That victim echoed Jane’s sentiments about the humiliation of realizing that she was not actually part of the group:

“You look back and realize, I wasn’t one of the people at the party having fun with my friends. . . . I was a joke. I was an expendable girl that was just around to take that kind of abuse.”³³

176. Another woman came forward to describe how, when she was a young SNL intern in the early 2000s, an associate producer had suggested she put a Listerine strip in her vagina, saying, “I bet it would feel good.” He later showed her a nude photo of himself without her consent.

177. Another former intern said a high-profile cast member had asked her to sit on his lap and licked her cheek.

178. Another former female intern commented, “Was there anyone looking out for us as young women? No . . . The goal was protecting the celebrities and the cast members.” She described the young women as being in an “impossible situation,” saying,

“You’re too young to know any better. You’re with these people who are celebrities, and even if you did say something, no one will listen — no one would do anything.”³⁴

179. Numerous people began sharing stories online about Fallon and Sanz, and the duo’s behavior with respect to young teenage girls in the early 2000s.

³³ Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

³⁴ Warren, “Young female ‘SNL’ staffers treated like ‘a joke,’” Business Insider (2022).

180. Pitchfork associate director Carrie Courogen recalled hearing numerous stories on the SNL message boards about Fallon and Sanz engaging sexually with teenage girls. “Stories of [Fallon] and Sanz hooking up with teen girls regularly made the rounds on the SNL message boards I was obsessed with—message boards they often read—with a positive spin I didn’t realize was fucked up until years later,” wrote Courogen. “There were posts about how *cool* it was to party with the SNL cast. How *mature for your age* you were if they noticed you.”³⁵

181. NBC cultivated an environment in which young girls were systematically sexually exploited, harassed, and assaulted, all for the sick enjoyment of its celebrity stars. Yet, sitting here today, neither Fallon nor Sanz, nor Michaels, nor Morgan, nor anyone else at NBC, has suffered a single consequence for their actions.

FIRST CAUSE OF ACTION:
Gender Discrimination in Violation of the NYSHRL:
Sexual Harassment
(against NBC and Sanz)

182. Doe repeats and realleges all facts set forth above.

183. Defendants discriminated against Doe in a place of public accommodation based on her gender, in violation of the New York State Human Rights Law (NY Exec Law § 296[1]), by subjecting her to sexual assault and harassment.

184. Sanz aided and abetted NBC’s discrimination, and vice versa.

185. The discrimination was severe.

³⁵ Josh Berger, *Saturday Night Live Comedian Horatio Sanz Accused Of Child Sexual Abuse, Jimmy Fallon Named As Witness And Enabler*, Bounding Into Comics (Aug. 14, 2021), available at <https://boundingintocomics.com/2021/08/14/saturday-night-live-comedian-horatio-sanz-accused-of-child-sexual-abuse-jimmy-fallon-named-as-witness-and-enablwe/> (last accessed Aug. 22, 2022).

186. Defendants' unlawful discrimination caused Doe to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

187. Defendants are liable to Doe for compensatory and punitive damages, attorney's fees, and costs.

**SECOND CAUSE OF ACTION:
Gender Discrimination in Violation of the NYCHRL:
Sexual Harassment
(against NBC and Sanz)**

188. Doe repeats and realleges all facts set forth above.

189. Defendants discriminated against Doe in a place of public accommodation based on her gender, in violation of the New York City Human Rights Law (NYC Admin Code § 8-107[1][a]), by subjecting her to sexual assault and harassment.

190. Sanz aided and abetted NBC's discrimination, and vice versa.

191. The discrimination was severe.

192. Defendants' unlawful discrimination caused Doe to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

193. Defendants are liable to Doe for compensatory and punitive damages, attorney's fees, and costs.

**THIRD CAUSE OF ACTION:
Negligent Infliction of Emotional Distress
(against NBC)**

194. Doe repeats and realleges all facts set forth above.

195. NBC owed Doe a specific duty of reasonable care because it knew or should have known Doe was a minor, enticed her to attend private events sponsored and/or hosted by NBC, and unlawfully provided her with alcohol on its premises, causing a foreseeable risk of harm.

196. NBC unreasonably endangered Doe's physical safety and caused her to fear for her physical safety.

197. NBC's infliction of emotional distress upon Doe has the character of outrage associated with crime, entitling her to an award of punitive damages.

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

199. NBC is liable to Doe for compensatory and punitive damages.

FOURTH CAUSE OF ACTION:

Negligence
(against NBC)

200. Doe repeats and realleges all facts set forth above.

201. NBC owed Doe a specific duty of reasonable care because it knew or should have known Doe was a minor, enticed her to attend private events sponsored and/or hosted by NBC, and unlawfully provided her with alcohol on its premises, causing a foreseeable risk of harm.

202. NBC owed Doe a duty to protect her from Sanz because it had actual and/or constructive knowledge of the likelihood that she would be sexually assaulted.

203. NBC breached its duty to Doe by failing to take reasonable protective measures for the foreseeable risk of harm to Doe.

204. As a direct and proximate result of that breach, Doe has suffered emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

205. No negligence on Doe's part contributed to her injuries.

206. NBC's negligence was extreme, egregious, immoral, reckless, willfully indifferent, and shocking to the conscience.

207. NBC is liable to Doe for compensatory and punitive damages.

**FIFTH CAUSE OF ACTION:
Negligent Hiring, Supervision, and Retention
(against NBC)**

208. Doe repeats and realleges all facts set forth above.

209. NBC negligently hired and/or retained Sanz when it knew, or should have known, of his propensity for the misconduct which resulted in Doe's injuries.

210. NBC negligently retained Sanz and negligently placed him in a position to cause foreseeable harm, which Doe would not have been subjected to had NBC taken reasonable care in its hiring, supervision, or retention of Sanz.

211. As a direct and proximate result, Doe was injured, causing her to suffer emotional and psychological distress, physical injury, mental anguish, loss of enjoyment of life, humiliation, embarrassment, pain and suffering, and economic damages.

212. No negligence on Doe's part contributed to her injuries.

213. NBC's negligence was extreme, egregious, immoral, reckless, willfully indifferent, and shocking to the conscience.

214. NBC is liable to Doe for compensatory and punitive damages.

**SIXTH CAUSE OF ACTION:
Sexual Assault and Battery
(against Sanz)**

215. Doe repeats and realleges all facts set forth above.
216. Sanz intentionally touched or applied force to Doe, in a harmful or offensive manner, and without her consent.
217. Sanz battered Doe when he sexually assaulted her by forcibly touching her body.
218. Sanz acted carelessly, recklessly and/or intentionally, and knew that his actions against Doe constituted assault, causing her apprehension of harmful or offensive contact.
219. Sanz’s assault and battery of Doe 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.
220. Sanz’s sexual assault and battery of Doe has the character of outrage associated with crime, entitling her to an award of punitive damages.
221. Sanz is liable to Doe for compensatory and punitive damages.

**SEVENTH CAUSE OF ACTION:
NYC Victims of Gender-Motivated Violence Act
(against all defendants)**

222. Doe repeats and realleges all facts set forth above.
223. Sanz’s sexual assault and battery of plaintiff constitutes “crime[s] of violence” and “crime[s] of violence motivated by gender” against Doe as defined by the NYC Victims of Gender-Motivated Violence Act, N.Y.C. Admin. Code § 10-1103 (“GMVA”). His actions were motivated by Doe’s gender, on the basis of her gender, and due, at least in part, to an animus based on her gender.

224. Sanz committed crimes of violence against Doe because she is female and, at least in part, because he has an animus towards women and/or girls. That animus is demonstrated by, among other things, his violent, humiliating, and degrading sexual assaults of Doe.

225. NBC, Michaels, Fallon, and Morgan enabled Sanz's crimes of sexual assault and battery.

226. Additionally, all defendants committed crimes of violence motivated by gender, as defined above, in violation of, inter alia, NY Penal Law §§ 260.20, 260.21, and 260.10, by unlawfully dealing with a child and endangering the welfare of a child, including but not limited to Morgan on May 12, 2002. Their actions were motivated by Doe's gender, on the basis of her gender, and due, at least in part, to an animus based on her gender.

227. That animus is demonstrated by, among other things, their purposeful exploitation of women and/or female children, including Doe, by unlawfully providing them with alcohol, with the intent and effect of leaving them vulnerable to sexual exploitation and abuse by known predatory adults on their premises, for the sexual gratification of those and other adults.

228. NBC, Sanz, Michaels, Fallon, and Morgan enabled each other's crime of unlawfully dealing with a child and endangering the welfare of a child.

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

230. Defendants are liable to Doe under the GMVA for compensatory and punitive damages, attorney's fees, and costs.

DEMAND FOR RELIEF

WHEREFORE, it is respectfully requested that the Court enter judgment in Doe's favor:

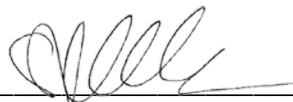
- a. on the First and Second Causes of Action, awarding compensatory and punitive damages, attorney's fees, and costs, as against NBC and Sanz;
- b. on the Third, Fourth, and Fifth Causes of Action, awarding compensatory and punitive damages as against NBC;
- c. on the Sixth Cause of Action, awarding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

DEMAND FOR TRIAL BY JURY

Doe demands a trial by jury.

Dated: Brooklyn, New York
August 23, 2022

Respectfully submitted,



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Defendant

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[REDACTED]

[REDACTED]

Defendant

Tracy Morgan

[REDACTED]

[REDACTED]


Defendant

ATTORNEY VERIFICATION

Susan K. Crumiller, an attorney licensed to practice in the State of New York, affirms the truth of the following under penalties of perjury:

I am the Founding Attorney of Crumiller P.C., attorneys for plaintiff. I have read the foregoing Second Amended Complaint and know the contents thereof, and I hereby state upon information and belief that the contents are true. The grounds for my belief are oral and written statements of plaintiff and documents in plaintiff's file related to this matter. This verification is made pursuant to CPLR § 3020(d)(3) because plaintiff is not in the county where counsel's office is located.

Dated: Brooklyn, New York
August 23, 2022



Susan K. Crumiller