

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Index No.  
Dated Filed:  
Plaintiff designates  
KINGS County as  
the place of trial  
The basis of venue is  
Plaintiff's residence

-----X  
YVES DUROSEAU, CLAUDE DUROSEAU,  
WILLIAM McBORROUGH, ROSEVONY DUROSEAU,  
DAVID MORGAN, KEVONNE SMALL, CASSANDRE  
LAMARRE, MICHELE LAMARRE, KAREN THOMANY,  
KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY  
GUINYARD, SUSIE KIM, NATALIE DENNERY,  
LUDNER MALARY, RIGOBERTO ("RIGO") MORALES,  
MELISSA MORALES, VANESSA CANTAVE and SHANI  
PORTER,

Plaintiffs,

-against-

MARCUS ROSEBROCK and JANE DOE,

Defendants.

SUMMONS

Plaintiff Dossous  
resides at [REDACTED]  
Brooklyn, NY 11201

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To the above named Defendant(s)

**YOU ARE HEREBY SUMMONED** to answer the Verified Complaint in this action and to serve a copy of your Answer, or, if the Verified Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorney(s) within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York  
September 15, 2023

Defendant's address:

Yours, etc.,

MARCUS ROSEBROCK  
[REDACTED]  
Forest Hills, NY 11375

THE COCHRAN FIRM  
Attorneys for Plaintiffs,

JANE DOE  
[REDACTED]  
Forest Hills, NY 11375

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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YVES DUROSEAU, CLAUDE DUROSEAU,  
WILLIAM McBORROUGH, ROSEVONY  
DUROSEAU, DAVID MORGAN, KEVONNE  
SMALL, CASSANDRE LAMARRE, MICHELE  
LAMARRE, KAREN THOMANY, KEVIN  
SCHWARTZ, KATYA DOSSOUS, ANTHONY  
GUINYARD, SUSIE KIM, NATALIE DENNERY,  
LUDNER MALARY, RIGOBERTO (“RIGO”)  
MORALES, MELISSA MORALES, VANESSA  
CANTAVE, SHANI PORTER,

*Plaintiffs,*

-against-

MARCUS ROSEBROCK AND JANE DOE,

*Defendants.*

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Index No. \_\_\_\_\_

**VERIFIED COMPLAINT**

Jury Trial Demanded

Plaintiffs, (hereinafter collectively referred to as “Plaintiffs”), by and through their undersigned counsel, THE COCHRAN FIRM, as and for their Verified Complaint in this action against Defendants MARCUS ROSEBROCK (hereinafter referred to as “ROSEBROCK”) and JANE DOE (hereinafter referred to as “DOE”), (collectively referred to as “Defendants”), respectfully set forth and allege, upon information and belief, as follows:

**PRELIMINARY STATEMENT**

On the evening of September 17, 2022, Plaintiffs YVES and CLAUDE DUROSEAU, a Haitian-American married couple, held a surprise birthday dinner in the rear garden of their Forest Hills, Queens, home for Plaintiff YVES DUROSEAU’S younger sister, Plaintiff ROSEVONY DUROSEAU. Plaintiffs were celebrating with family and friends, all of whom were Black or Latino except one, and most of whom were Plaintiff ROSEVONY DUROSEAU’S friends from

her alma mater, Fordham Law School, their spouses, as well as business, music and government affairs executives, and other prominent members of the legal community.

While the evening consisted of the Duroseau's beautifully decorated garden and a nine-course, catered dinner to celebrate Plaintiff ROSEVONY DUROSEAU'S birthday and her recent engagement to Plaintiff WILLIAM McBORROUGH, it abruptly and forcefully ended when Defendant MARCUS ROSEBROCK, a White male neighbor, cruelly and repeatedly water hosed Plaintiffs in an effort to get them to shut up and disperse, much like White law enforcement officers did to civil rights pioneers in 1960's Birmingham, Alabama. Also reminiscent of the Jim Crow south, Defendant JANE DOE, a White woman, added further fear and emotional distress when she entered Plaintiff YVES and CLAUDE DUROSEAU'S property and home, without permission, with a large, menacing German Shepherd in an effort to silence Plaintiffs and end their celebration.

#### **NATURE OF CLAIMS**

1. Plaintiffs bring this action to recover compensation for personal injury and economic damages stemming from: 1) Defendant MARCUS ROSEBROCK assaulting Plaintiffs, battering Plaintiffs and violating their civil rights by hosing them about the face and body numerous times with a water hose; and 2) Defendant JANE DOE's trespassing upon Plaintiffs YVES DUROSEAU and CLAUDE DUROSEAU'S property, and menacing them as well as Plaintiffs ANTHONY GUINYARD, VANESSA CANTAVE and SHANI PORTER with a German Shepherd.

#### **JURISDICTION & VENUE**

2. Pursuant to New York Civil Practice Law and Rules ("CPLR") Section 503, this Court has jurisdiction over this matter because at all times the majority of Plaintiffs and the Defendants were at the time of the incident and are still residents of the State of New York

3. Pursuant to CPLR Section 503, the Supreme Court of the State of New York, Kings County, is the proper venue for this action as Plaintiffs KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM and VANESSA CANTAVE reside in Kings County.

### **PARTIES**

#### **Plaintiffs**

4. Plaintiffs YVES DUROSEAU, a Haitian-American man and a resident of Queens County, State of New York, is the plaintiff injured in this matter.

5. Plaintiff CLAUDE DUROSEAU, a Haitian-American woman and a resident of Queens County, State of New York, is the plaintiff injured in this matter.

6. Plaintiff WILLIAM McBORROUGH, an African-American man and a resident of Virginia, is the plaintiff injured in this matter.

7. Plaintiff ROSEVONY DUROSEAU, a Haitian-American woman and a resident of Virginia, is the plaintiff injured in this matter.

8. Plaintiff DAVID MORGAN, an African-American man and a resident of the District of Columbia, is the plaintiff injured in this matter.

9. Plaintiff KEVONNE SMALL, an African-American woman and a resident of the District of Columbia, is the plaintiff injured in this matter.

10. Plaintiff CASSANDRE LAMARRE, an African-American woman and a resident of New Jersey, is the plaintiff injured in this matter.

11. Plaintiff MICHELE LAMARRE, an African-American woman and a resident of New Jersey, is the plaintiff injured in this matter.

12. Plaintiff KAREN THOMANY, a Haitian-American woman and a resident of New Jersey, is the plaintiff injured in this matter.

13. Plaintiff KEVIN SCHWARTZ, a Caucasian male married to an African American woman and a resident of Kings County, is the plaintiff injured in this matter.

14. Plaintiff KATYA DOSSOUS, a Haitian-American woman and a resident of Kings County, is the plaintiff injured in this matter.

15. Plaintiff ANTHONY GUINYARD, an African-American man and a resident of Kings County, is the plaintiff injured in this matter.

16. Plaintiff SUSIE KIM, an Asian-American woman and a resident of Kings County, is the plaintiff injured in this matter.

17. Plaintiff NATALIE DENNERY, an African-American woman and a resident of Nassau County is the plaintiff injured in this matter.

18. Plaintiff LUDNER MALARY, an African-American man and a resident of Nassau County, is the plaintiff injured in this matter.

19. Plaintiff RIGOBERTO MORALES, a Latin American man and a resident of New Jersey, is the plaintiff injured in this matter.

20. Plaintiff MELISSA MORALES, a Latin American woman and a resident of New Jersey, is the plaintiff injured in this matter.

21. Plaintiff VANESSA CANTAVE, an African-American woman and a resident of Kings County, is the plaintiff injured in this matter.

22. Plaintiff SHANI PORTER, an African-American woman and a resident of New Jersey, is the plaintiff injured in this matter.

### **Defendants**

23. Defendant MARCUS ROSEBROCK is a Caucasian male, a resident of Queens County and a next-door neighbor of Plaintiffs YVES and CLAUDE DUROSEAU.

24. Defendant JANE DOE is a Caucasian female, a resident of Queens County and a neighbor of Plaintiffs YVES and CLAUDE DUROSEAU.

**PROCEDURAL REQUIREMENTS**

25. This claim has been commenced and this action has been started within one (1) year of the occurrence of the events on which the claim is based, plus any applicable tolling periods.

**FACTUAL ALLEGATIONS**

26. On or about Saturday, September 17, 2022, Plaintiffs YVES DUROSEAU and CLAUDE DUROSEAU, a married couple, hosted a surprise birthday dinner in honor of Mr. Duroseau's sister, Plaintiff ROSEVONY DUROSEAU, in the backyard of their home, located at [REDACTED], Queens County, State of New York.

27. Attending Plaintiff ROSEVONY DUROSEAU'S celebration of her 47<sup>th</sup> birthday and her recent engagement to Plaintiff WILLIAM McBORROUGH were family and friends from Rosevony's alma mater, Fordham Law School, their spouses, and other prominent colleagues in the legal profession and music industry.

28. In addition to Plaintiffs YVES and CLAUDE DUROSEAU, in attendance at Plaintiff ROSEVONY DUROSEAU'S birthday dinner were Plaintiffs WILLIAM McBORROUGH, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE, and SHANI PORTER, among other guests.

29. Plaintiffs VANESSA CANTAVE and SHANI PORTER of Yum Yum Catering & Events catered for the affair throughout the evening.

30. At approximately 9:50 p.m., as the party was winding down, Defendant JANE DOE, a White woman, entered the Duroseau home uninvited with a large German Shepherd and demanded that the music playing in the backyard be turned down.

31. Plaintiffs VANESSA CANTAVE and SHANI PORTER observed Defendant JANE DOE with the German Shepherd in close proximity to them and were fearful that the dog would attack and seriously injure them as it appeared menacing and aggressive.

32. Plaintiff VANESSA CANTAVE told Defendant JANE DOE that she would get the homeowners, Plaintiffs YVES DUROSEAU and CLAUDE DUROSEAU, from the backyard.

33. Plaintiffs YVES and CLAUDE DUROSEAU, as well as Plaintiffs ANTHONY GUINYARD and another guest, came to the foyer entrance of the Duroseau home where Defendant JANE DOE again demanded that the music be turned down.

34. Plaintiffs YVES DUROSEAU, CLAUDE DUROSEAU, ANTHONY GUINYARD and another guest observed Defendant JANE DOE with the German Shepherd in close proximity and were fearful that the dog would attack and seriously injure them as the dog appeared menacing and aggressive.

35. Plaintiff YVES DUROSEAU told Defendant JANE DOE that they were having a birthday dinner, that it would be winding down soon, and then requested that Defendant DOE and her German Shepherd leave his house and his property.

36. Plaintiffs YVES DUROSEAU, CLAUDE DUROSEAU, ANTHONY GUINYARD and the other guest returned to the backyard of the home to join the other guests.

37. As Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM McBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE

LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES and MELISSA MORALES socialized with one another as well as other guests in the backyard, Defendant MARCUS ROSEBROCK, a White man whose backyard abuts the Duroseau property, took his water hose and began water hosing Plaintiffs and the other guests in the Duroseau's backyard to get them to disperse, creating a scene reminiscent of 1960's Birmingham, Alabama, when White law enforcement officers used fire hoses to douse, assault and batter African Americans participating in civil rights demonstrations in an attempt to get them to comply and disperse.

38. The water hosing put the Plaintiffs in fear and was injurious as the pressure from the hose was extremely powerful and stinging in nature.

39. In an attempt to stop Defendant MARCUS ROSEBROCK from further water hosing Plaintiffs, Plaintiffs RIGOBERTO MORALES, YVES DUROSEAU and KEVIN SCHWARTZ climbed the Duroseau's son's treehouse to look over the fence separating the Duroseau and Rosebrock properties to ask Defendant MARCUS ROSEBROCK to stop water hosing them and the other guests.

40. Instead of stopping the water hosing of the Duroseaus and their guests, Defendant ROSEBROCK doubled down and continued water hosing Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM McBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES and MELISSA MORALES.



41. While Plaintiffs RIGOBERTO MORALES, KEVIN SCHWARTZ, and YVES DUROSEAU were in the treehouse, Defendant MARCUS ROSEBROCK looked directly at Plaintiffs MORALES, SCHWARTZ and YVES DUROSEAU, turned his water hose on them with increased water pressure, and violently water sprayed them in the face and body, drenching them, and putting them in fear of serious bodily harm as they were afraid that they would be knocked to the ground from out of the tree house.

42. After violently water spraying Plaintiffs MORALES, SCHWARTZ and YVES DUROSEAU with increased water pressure while they were in the treehouse, Defendant ROSEBROCK aggressively water hosed the entire group again, consisting of CLAUDE DUROSEAU, WILLIAM McBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY and MELISSA MORALES.

43. As a result of Defendant MARCUS ROSEBROCK'S actions, Plaintiff KATYA DOSSOUS attempted to speak calmly with Defendant in an effort to get Defendant to stop.

44. Defendant ROSEBROCK also turned his water hose on Plaintiff DOSSOUS at high intensity and viciously hosed her with water from head to toe.

45. Despite repeated attempts by numerous Plaintiffs asking Defendant MARCUS ROSEBROCK to stop water hosing Plaintiffs, Defendant ROSEBROCK continued to do so and sprayed Plaintiff SHANI PORTER as she removed the dinner plates.

46. As a result of Defendant MARCUS ROSEBROCK'S actions, Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM McBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE

LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES and MELISSA MORALES were completely drenched.

47. Each of the plaintiffs suffered economic losses as a result of Defendants' conduct.

48. Unable to use their property for a peaceful gathering, and humiliated, put into fear, embarrassed and degraded, Plaintiffs seek justice for the assaultive conduct, battery and civil rights violations.

**AS AND FOR A FIRST CAUSE OF ACTION**

**Battery**

49. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

50. In spraying Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER with a water hose, Defendant MARCUS ROSEBROCK intended to make physical contact with the aforementioned Plaintiffs.

51. In spraying YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and

SHANI PORTER with a water hose, Defendant MARCUS ROSEBROCK made physical contact with the aforementioned Plaintiffs.

52. The spraying Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER with a water hose was conduct that was offensive in nature and constituted conduct that a reasonable person would find to be offensive in nature.

53. As a direct and proximate result of Defendant MARCUS ROSEBROCK's battery, and on information and belief racist character thereof, Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and financial losses for which Plaintiff is entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A SECOND CAUSE OF ACTION**

Trespassing

54. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

55. At approximately 9:50 p.m., as the party was winding down, Defendant JANE DOE, a White woman, entered the Duroseau home with a large German Shepherd and demanded that the music playing in the backyard be turned down.

56. Defendant DOE did not have permission to enter the Duroseau property or their home.

57. Defendant DOE did not have a lawful justification for entering the Duroseau home without permission.

58. As a direct and proximate result of Defendant JANE DOE's trespass, and on information and belief racist character thereof, Plaintiffs YVES and CLAUDE DUROSEAU suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A THIRD CAUSE OF ACTION**

Assault

59. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

60. At approximately 9:50 p.m., as the party was winding down, Defendant JANE DOE, a White woman, intentionally and unlawfully entered the Duroseau home with a large German Shepherd and demanded that the music playing in the backyard be turned down.

61. Plaintiffs VANESSA CANTAVE and SHANI PORTER observed Defendant JANE DOE with the German Shepherd in close proximity to them and were fearful that the dog would bite them.

62. Plaintiff VANESSA CANTAVE told Defendant JANE DOE that she would get the homeowners, Plaintiffs YVES DUROSEAU and CLAUDE DUROSEAU, from the backyard.

63. Plaintiffs YVES and CLAUDE DUROSEAU, as well as Plaintiff ANTHONY GUINYARD and another guest, came to the foyer entrance of the Duroseau home where Defendant JANE DOE again demanded that the music be turned down.

64. Defendant JANE DOE acted intentionally and without justification.

65. Defendant JANE DOE's conduct was offensive, unreasonable, and criminal.<sup>1</sup>

66. Defendant JANE DOE's conduct caused Plaintiffs VANESSA CANTAVE, SHANI PORTER, YVES DUROSEAU, CLAUDE DUROSEAU, and ANTHONY GUINYARD to fear for their safety and anticipate injury in the form of a bite from a large, dangerous animal under the control and direction of Defendant JANE DOE.

67. As a direct and proximate result of Defendant JANE DOE's trespass, and on information and belief racist character thereof, Plaintiffs VANESSA CANTAVE, SHANI PORTER, YVES DUROSEAU, CLAUDE DUROSEAU, and ANTHONY GUINYARD

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<sup>1</sup> It is Plaintiffs' belief that Defendant JANE DOE's actions constitute the crimes of Menacing in the Third Degree and Burglary in the Third Degree. *See* N.Y. Pen. Law § 120.15; N.Y. Pen. Law § 140.20.

suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress as and Against Defendant Marcus Rosebrock**

68. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

69. In water hosing Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER with a water hose, Defendant MARCUS ROSEBROCK acted in an extreme and outrageous manner.

70. Given the long, recent, and racist history of spraying groups of peacefully-assembled Black and Brown people with hoses to force them to disperse, Defendant MARCUS ROSEBROCK acted with intent to cause, and/or in disregard of a substantial probability of causing, severe emotional distress to Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE

DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER.

71. As a direct and proximate result of Defendant MARCUS ROSEBROCK's extreme and outrageous conduct, Plaintiffs YVES and CLAUDE DUROSEAU, WILLIAM MCBORROUGH, ROSEVONY DUROSEAU, DAVID MORGAN, KEVONNE SMALL, CASSANDRE LAMARRE, MICHELE LAMARRE, KAREN THOMANY, KEVIN SCHWARTZ, KATYA DOSSOUS, ANTHONY GUINYARD, SUSIE KIM, NATALIE DENNERY, LUDNER MALARY, RIGOBERTO MORALES, MELISSA MORALES, VANESSA CANTAVE and SHANI PORTER suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A FIFTH CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress as and Against Defendant Jane Doe**

72. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

73. At approximately 9:50 p.m., as the party was winding down, Defendant JANE DOE, a White woman, intentionally and unlawfully entered the Duroseau home with a large German Shepherd and demanded that the music playing in the backyard be turned down.

74. In unlawfully entering the Duroseau home while brandishing a large and dangerous animal, Defendant JANE DOE acted in an extreme, outrageous, and criminal manner.

75. In unlawfully entering the Duroseau home while brandishing a large and dangerous animal, Defendant JANE DOE acted with either intent to cause, or in disregard of a substantial probability of causing, severe emotional distress to Plaintiffs.

76. As a direct and proximate cause of Defendant JANE DOE's actions VANESSA CANTAVE, SHANI PORTER, YVES DUROSEAU, CLAUDE DUROSEAU, and ANTHONY GUINYARD suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A SIXTH CAUSE OF ACTION**

**Violation of the Admin. Code of the City of N.Y. § 8-101, et seq. as And Against Defendant  
Marcus Rosebrock**

77. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

78. Admin. Code of the City of N.Y., § 8-107(19) provides that: "Interference with protected rights. It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of such person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section."



79. In spraying Plaintiffs with a water hose, Defendant MARCUS ROSEBROCK interfered with the right of Plaintiffs YVES and CLAUDE DUROSEAU to enjoy the ownership of real property within the City of New York, County of Queens.

80. In interfering with the right of YVES and CLAUDE DUROSEAU to enjoy the ownership of real property, Defendant MARCUS ROSEBROCK engaged in a discriminatory practice in violation of Admin. Code of the City of N.Y., § 8-107(19).

81. As a direct and proximate result of Defendant MARCUS ROSEBROCK's discriminatory practices, Plaintiffs YVES and CLAUDE DUROSEAU suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

Violation of the Admin. Code of the City of N.Y. § 8-101, et seq. as And Against Defendant  
Jane Doe

82. Plaintiffs repeat and reallege all of the allegations contained in all of the foregoing Paragraphs as if fully set forth herein.

83. Admin. Code of the City of N.Y., § 8-107(19) provides that: "Interference with protected rights. It shall be an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of such person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section."

84. In unlawfully entering the Duroseau home while brandishing a large and dangerous animal, Defendant JANE DOE interfered with the right of Plaintiffs YVES and CLAUDE DUROSEAU to enjoy the ownership of real property within the City of New York, County of Queens.

85. In interfering with the right YVES and CLAUDE DUROSEAU to enjoy the ownership of real property, Defendant JANE DOE engaged in a discriminatory practice in violation of Admin. Code of the City of N.Y., § 8-107(19).

86. As a direct and proximate result of Defendant JANE DOE's discriminatory practices, Plaintiffs YVES and CLAUDE DUROSEAU suffered, and continue to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering, and economic losses for which Plaintiffs are entitled to an award of monetary damages and other relief in an amount to be determined at trial, but in no event less than an amount that exceeds the jurisdictional limits of all other courts.

#### **JURY DEMAND**

87. Plaintiffs demand a trial by jury on all issues of fact and damages.

#### **PRAYER FOR RELIEF**

WHEREFORE, pray that the Court enter judgment in his favor and against Defendants, containing the following relief:

A. The amount sought on each cause of action exceeding the monetary jurisdictional limits of any and all lower courts which would otherwise have jurisdiction herein, altogether with the costs of disbursement of this action, and with interest from the date of this occurrence.

B. An award of damages in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including but not limited to, compensation for their severe mental anguish and emotional distress, humiliation, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, emotional pain and suffering and other physical and mental injuries.

C. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiffs in an amount to be determined at trial, but in any event in excess of the jurisdictional limit of any other court which might otherwise have jurisdiction over this matter, plus prejudgment interest.

D. An award of costs that Plaintiffs have incurred in this action, as well as Plaintiffs reasonable attorneys' fees to the fullest extent permitted by law.

E. Such other and further relief as the Court may deem just and proper.

Dated: September 15, 2023  
New York, New York

Respectfully submitted,

THE COCHRAN FIRM



Derek S. Sells, Esq.

/s/ Mina Malik

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**VERIFICATION**

I, the undersigned, am an attorney admitted to practice in the Courts of the State of New York, and say that:


I am the Chair of THE COCHRAN FIRM, attorney for the plaintiffs. I have read the annexed COMPLAINT and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: investigation, interviews with client, records, reports, documents, correspondence, data, memoranda, etc., contained in the file.

The reason I make this verification instead of plaintiffs, is that the plaintiffs reside out of the County of New York, wherein I maintain my offices.

I affirm that the foregoing statements are true under the penalties of perjury.

Dated: September 15, 2023  
New York, NY

Respectfully submitted,



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Derek S. Sells, Esq.