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March 13, 1992

BY FACSIMILE TRANSMISSION - (412) 355-6501


Jerry S. McDevitt, Esq.
Kirkpatrick & Lockhart
1500 Oliver Building
Pittsburg, Pa 15222

Re: Thomas Cole

Dear Jerry:

With this letter, I am faxing to you a courtesy copy of the complaint which at this time is being served on Titan Sports, Inc., through their registered agent for service of process in New York, the Prentiss-Hall Corp. System, 15 Columbus Circle, New York, New York.

Sincerely,



Alan L. Fuchsberg

ALF/ec
Enclosure

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

THOMAS D. COLE,

Plaintiff,

-against-

WORLD WRESTLING FEDERATION,
TITAN SPORTS, INC., d/b/a TITAN SPORTS
ENTERPRISES, TERRY GARVIN, MEL PHILLIPS
and PAT PATTERSON (individually and as
employees of the defendant business
entities),

Defendants.

x
x

Index No.

VERIFIED COMPLAINT

Plaintiff, Thomas D. Cole, by his attorneys, The Jacob D. Fuchsberg Law Firm, as and for his verified complaint alleges as follows:

1. Plaintiff is a resident of the City of Yonkers, State of New York, and at all times herein mentioned was a resident of either the City of Yonkers or the City of New York, Borough of Brooklyn, in the State of New York.

2. Upon information and belief, defendant Titan Sports, Inc. ("Titan") is a Delaware corporation authorized to do business in the State of New York, having offices for the conduct of business in this City and State at 757 Third Avenue, New York, New York.

3. Upon information and belief, defendant World Wrestling Federation ("WWF") at all times herein mentioned was

and now is a wholly owned subsidiary of Titan, having offices for the conduct of business in this City and State at 757 Third Avenue, New York, New York.

4. Defendants Titan and the WWF are, and at all times herein were, engaged in the business of organizing, mounting and promoting, inter alia, televised public exhibitions of professional wrestling in, among other places, the City and State of New York.

5. At all times herein mentioned defendants Terry Garvin, Mel Phillips and Pat Patterson were officers and/or managerial employees of the WWF in charge of wrestling talent and "ring crews".

6. This action is brought against defendants for unlawful, sexual harassment in connection with plaintiff's employment and termination of such employment in violation of New York Executive Law Section 296 and Section 8-107 of the NYC Administrative Code.

7. Plaintiff was born on October 12, 1970, and is presently twenty-one (21) years of age.

8. Plaintiff was employed per diem by the WWF as a "ring-boy" and set-up person from in or about 1985 until in or about February 1990. In reliance upon the encouragement received by plaintiff from defendants Garvin and Phillips to the effect that plaintiff would be amply rewarded financially and with career opportunities as a ring-announcer at the WWF, plaintiff

was induced to forego academic education beyond the ninth grade and/or other vocational pursuits as he concentrated upon the career opportunities offered by the WWF.

9. In his employment plaintiff assisted in the set-up of the wrestling "ring" before a match and performed errands for the wrestlers and the ring crews for which he was paid varying sums ranging between \$30 and \$150 per night, but more frequently \$80 or more per night, plus expenses and various perquisites.

10. Plaintiff ably performed the duties assigned him without complaint by defendants as to plaintiff's work performance.

11. Plaintiff's duties required him to travel several times per month, usually for extended periods of time, to various arenas, amphitheatres, and exhibition halls in, among other places, New York State and New York City, including but not limited to Madison Square Garden.

12. During his tenure with the WWF, plaintiff, like other young co-employees known to him, endured on-going sexual harassment in the form of unwelcome, homosexual solicitation by, inter alia, defendants Mel Phillips and Pat Patterson.

13. Throughout plaintiff's tenure with the WWF, defendant Patterson, inter alia, would regularly grab plaintiff's genitals and/or buttocks while plaintiff was carrying out his duties, and on many occasions made unwelcome, sexual overtures to plaintiff by means of sexually explicit signs and expressions.

14. When plaintiff was between the ages of 13 and 16 years, defendant Phillips, inter alia, would frequently caress plaintiff's feet and would rub them against his (defendant's) own genital area.

15. When plaintiff was beyond the age of 16 and until the termination of his employment, Phillips would at times attempt such conduct, which plaintiff rebuffed.

16. The aforescribed conduct by defendants Patterson and Phillips occurred within New York State and New York City, among other places, while plaintiff was employed by the WWF.

17. Defendant Terry Garvin also regularly harassed plaintiff by unwelcome, homosexual overtures made to him during the performance of his duties while plaintiff was "on premises" at various arenas.

18. On at least two occasions, in or about 1988 and 1990, at the age of 16 and 19, respectively, plaintiff was subjected to intense, sexual harassment and unwelcome homosexual solicitation by defendant Garvin to engage in immediate sexual activity with him, following matches at which plaintiff had worked.

19. On the day of the second such incident, in or about February 1990, and in the presence of Phillips, Garvin informed plaintiff, and plaintiff agreed, that plaintiff was to be promoted to a full-time position as a warehouse manager of a WWF facility, effective immediately.

20. Later in the evening of that same day, defendant Garvin took plaintiff to his home for the purpose of obtaining itinerary materials and, incidentally, to see his family. When they arrived, plaintiff discovered that the defendant's family was absent and plaintiff was subjected to overt, insistent, homosexual solicitation by defendant Garvin to engage therewith in homosexual activity, which plaintiff rebuffed. Garvin thereafter refused to take plaintiff home until the next morning, when Garvin drove plaintiff to the warehouse.

21. Later that day at the warehouse, where plaintiff had been painting a ring, plaintiff was informed by defendant Phillips that plaintiff's employment with the WWF was terminated forthwith, pursuant to the order of defendant Garvin. The substance of the conversation was to the affect that Garvin didn't need plaintiff anymore.

22. When plaintiff complained to Phillips that his termination had been brought about solely as the result of his refusal to succumb to Garvin's sexual advances, Phillips concurred in plaintiff's accusation, saying in substance, "you know that is how Garvin is." Defendant Phillips also made clear that the matter was one between plaintiff and Garvin and that he, Phillips, would not intervene, notwithstanding the injustice.

23. Plaintiff subsequently pleaded with Garvin for work of any kind. Garvin categorically refused to give him work, although there were many jobs to be done.

24. Upon information and belief, defendants Garvin, Phillips, and Patterson have openly engaged in a widely known pattern and practice of such sexual harassment for a period of at least several years with respect to other employees, many of whom are or were below the age of majority.

AS AND FOR A FIRST CAUSE OF ACTION
PURSUANT TO NEW YORK'S EXECUTIVE
LAW FOR ILLEGAL SEXUAL HARASSMENT

25. Plaintiff repeats and realleges each and every allegation contained in ¶¶ "1" through "24" above as if fully set forth below.

26. The foregoing acts of defendants constitute unlawful, sexual harassment and discrimination against plaintiff in violation of New York Executive Law § 296.

27. The sexual harassment practiced by defendants Phillips, Garvin and Patterson against plaintiff and the termination of his employment was morally culpable, willful, malicious and intentional, and was carried out by defendants with knowledge of its illegality.

28. The unlawful harassment of plaintiff, resulting in the termination of his employment and the loss of future employment as a warehouse manager and, potentially, as a ring announcer, in contemplation of which plaintiff was induced to forego his academic education after the ninth grade and/or other vocational opportunities in pursuit of a career with the WWF, has

caused plaintiff to suffer damages in an amount yet to be determined, but estimated in the amount of \$750,000, present value.

29. The harassing and illegal acts of the aforesaid defendants, as set forth above, offended, humiliated and tended to degrade plaintiff and have caused plaintiff to suffer severe mental and emotional harm and have caused him to suffer damages in an amount not less than \$1,000,000.

30. The acts of the aforesaid defendants, directed against plaintiff while he was a minor, and the pattern and practice of such behavior by defendants against other minors similarly situated, involved gross, moral turpitude and wanton disregard of the health and safety of a minor, warranting imposition of punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION
FOR ILLEGAL SEXUAL HARASSMENT
PURSUANT TO THE NEW YORK CITY CODE

31. Plaintiff repeats and realleges each and every allegation contained in ¶¶ "1" through "30" above as if fully set forth below.

32. The sexual harassment practiced by defendants Phillips, Garvin and Patterson against plaintiff and the termination of his employment was morally culpable, willful, malicious and intentional, and was carried out by defendants with knowledge of its illegality.

33. The unlawful harrassment of plaintiff, resulting in the termination of his employment and the loss of future employment as a warehouse manager and, potentially, as a ring-announcer, in contemplation of which plaintiff was induced to forego his academic education after the ninth grade and/or other vocational opportunities in pursuit of a career with the WWF, has caused plaintiff to suffer damages in an amount yet to be determined, but in the estimated amount of \$750,000, present value.

34. The harassing and illegal acts of the aforesaid defendants, as set forth above, offended, humiliated and tended to degrade plaintiff and have caused plaintiff to suffer severe mental and emotional harm and have caused him to suffer damages in an amount not less than \$1,000,000.

35. The acts of the aforesaid defendants, directed against plaintiff while he was a minor, and the pattern and practice of such behavior by defendants against other minors similarly situated, involved gross, moral turpitude and wanton disregard of the health and safety of a minor, warranting imposition of punitive damages.

WHEREFORE, plaintiff respectfully demands judgment in his favor against defendants, as follows:

(a) On the First Cause of Action, for damages in an amount not less than ONE MILLION SEVEN HUNDRED AND FIFTY THOUSAND (\$1,750,000) DOLLARS, plus punitive damages;

(b) On the Second Cause of Action, for damages in an amount not less than ONE MILLION SEVEN HUNDRED THOUSAND (\$1,750,000) DOLLARS, plus punitive damages; and

(c) For costs and disbursements of this action, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
March 13, 1992

Yours, etc.,

THE JACOB D. FUCHSBERG LAW FIRM
Attorneys for Plaintiff
500 Fifth Avenue
New York, New York 10110
(212) 869-3500

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)) SS.:

THOMAS COLE, being duly sworn, deposes and says:

I am the plaintiff in the above-named action. I have read the foregoing Verified Complaint and the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

Thomas Cole
THOMAS COLE

Sworn to before me this
13th day of March 1992.

Melvin C. Hartman
Notary Public

MELVIN C. HARTMAN
Notary Public, State of New York
No. 31-1698750
Qualified in New York County
Commission Expires 31, 1993