

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
BONNIE C. BRENNAN,

PLAINTIFF,

vs.

VERIFIED COMPLAINT

TOWN OF NEW WINDSOR REPUBLICAN  
COMMITTEE, CARMEN R. DUBALDI, JR.,  
JACK D'ANGELO, CARL DUBOIS,  
ORANGE COUNTY SHERIFF,

2013 007434

DEFENDANTS.  
-----X

BONNIE C. BRENNAN, as and for her Verified Complaint, hereby states  
and alleges as against the defendants:

FILED  
ORANGE COUNTY CLERK  
2013 SEP - 5 P 1:36

1. PARTIES

1. Plaintiff, Bonnie C. Brennan, is a resident of the County of Orange and of legal age.
2. Defendant Town of New Windsor Republican Committee ["NWRC"] is a political committee organized pursuant to the laws of the State of New York and operates and does business in the County of Orange.
3. At all times relevant to this matter, defendant Carmen R. Dubaldi, Jr. was Chair of the NWRC and a resident of the County of Orange.

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4. Defendant Jack D'Angelo is a resident of the County of Orange and of legal age.

5. Defendant Carl DuBois is the elected Sheriff of the County of Orange and resides in the County of Orange.

## II. JURISDICTION

6. This Honorable Court has jurisdiction over this matter as the underlying events all occurred within this County, the parties all reside and do business in this County and the sum in controversy exceeds that over which inferior courts have jurisdiction.

## III. FACTUAL AVERMENTS

7. On or about October 2012, defendant Town of New Windsor Republican Committee [hereinafter "NWRC"], acting through defendant Dubaldi, and in concert with defendant D'Angelo, filed a Freedom of Information Act request to obtain certain sealed records from the Orange County Sheriff's Department.

8. Rather than deny the request because the records sought were sealed as a matter of law, defendant Dubois, acting through his agents, provided defendant NWRC a sealed photograph of the plaintiff which photograph depicts a bedraggled, beaten woman who had been victimized by domestic violence.

9. On or about October 26, October 30 and November 2, 2012, toward the end of a campaign for Town of New Windsor Town Board in which plaintiff opposed incumbent defendant D'Angelo, defendants NWRC, Dubaldi and D'Angelo caused to be published in the Town of New Windsor's newspaper of record, "The Sentinel," a paid political announcement which included said photograph with the caption, "O.C.S.O. file photo." [hereinafter referred to as "Ad # 1"]. The initials "O.C.S.O." refer to the Orange County Sheriff's Office.

10. Said statement was defamatory *per se* as it purports to represent, as a factual matter, that plaintiff had been adjudicated a law breaker or a criminal.

11. On or about November 1, 2012, defendants NWRC, Dubaldi and D'Angelo sent to voters in the Town of New Windsor a political mailer which states, *inter alia*, "DEMOCRAT COUNCIL CANDIDATE SEEMS TO ALWAYS BE ON THE WRONG SIDE OF THE LAW." [hereinafter Flyer Statement #1].

12. Said statement was defamatory *per se* as it purports to represent, as a factual matter, that plaintiff had been adjudicated to be a law breaker or a criminal.

13. A fair reading of this political mailer would lead to the conclusion that plaintiff had a criminal record, a false statement which is defamatory *per se*.

14. In the same widely distributed mailer, defendants NWRC and D'Angelo featured the photo of plaintiff, referenced in paragraph 8, with this caption, "Police

Mug Shot,” and an accompanying text which reads, “Candidates should be running on their record, NOT HAVE A RECORD.” [hereinafter referred to as “Mailer Statement #2”].

15. Said statement was defamatory and libelous *per se* as it purported to represent, as a factual matter, that plaintiff had been adjudicated a law breaker or a criminal, a baseless and false statement intended maliciously to besmirch plaintiff's reputation.

16. Defendant Dubois' wrongful release of a sealed photograph enabled defendants NWRC, Dubaldi and D'Angelo to publicly humiliate and embarrass the plaintiff by the dissemination and distribution of said photograph accompanied by the false claim that she had a criminal record.

17. Defendant NWRC, Dubaldi and D'Angelo maliciously published political advertisements against plaintiff Brennan with reckless disregard for the falsity of their content as part of their campaign to publicly humiliate and embarrass the plaintiff.

18. The repetitive publication of this “mug shot,” and the defendants' publication of the repeated statement that plaintiff has/had a criminal record was intended to, and did, publicly embarrass and humiliate the plaintiff.

19. Each defamatory and libelous publication caused plaintiff emotional distress, attributable to each defendant, jointly and severally.

**IV. CAUSES OF ACTION**

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

20. Plaintiff re-alleges paras. 1-19 as if fully set forth herein.

21. Defendant Dubois violated plaintiff's common law right to privacy by causing/allowing the release of a sealed photograph to third parties without her knowledge or consent.

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

22. Plaintiff re-alleges paras. 1-21 as if fully set forth herein.

23. Defendants NWRC, Dubaldi and D'Angelo engaged in repeated acts of defamation per se against plaintiff when they caused to be published Advertisement #1 on or about October 26, October 20 and November 2, 2012 in "The Sentinel."

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

24. Plaintiff re-alleges paras. 1-23 as if fully set forth herein.

25. Defendants NWRC, Dubaldi and D'Angelo engaged in defamation per se against plaintiff when they caused to be Mailer Statement #1 on or about November 1, 2012.

AS AND FOR A FOURTH CAUSE OF ACTION

26. Plaintiff re-alleges paras. 1-25 as if fully set forth herein.

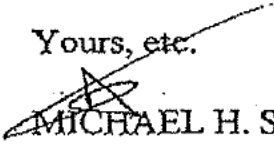
27. Defendants NWRC, Dubaldi and D'Angelo engaged in defamation per se plaintiff when they caused to be published and distributed to voters in the Town of New Windsor Mailer Statement # 2 on or about November 1, 2012.

V. PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court accept jurisdiction over this matter, award to plaintiff compensatory damages as against each defendant, specifically as against Dubois on the first cause of action and as against the defendants NWRC, Dubaldi and D'Angelo \$250,000 each of the second through fourth causes of action, award against the latter three defendants punitive damages and attorneys' fees for the malicious publications referenced in the second through fourth causes of action, enjoin these defendants from engaging in like conduct in the future, award the costs and disbursements incurred in the prosecution of this matter and enter any other order which the interests of justice and/or equity require.

Dated: August 24, 2013

Yours, etc.

  
MICHAEL H. SUSSMAN  
Counsel for Plaintiff

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(845)-294-3991

VERIFICATION

STATE OF NEW YORK    )  
                                  ) ss:s.  
COUNTY OF ORANGE    )

Bonnie C. Brennan, having been duly sworn, hereby states and deposes under pains and penalties of perjury that she has read the annexed Verified Complaint and that its contents are true and accurate to her knowledge and belief.

  
BONNIE C. BRENNAN

Signed and Sworn to before me this 26 day of August 2013.

  
NOTARY PUBLIC

