

EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

INDEX NO.: [REDACTED]

X

[REDACTED]
Plaintiff,
-against -

SECOND
AMENDED
VERIFIED
COMPLAINT

DOV HERTZ,

Defendant.

X

Plaintiff, above named, complaining of the Defendant, by [REDACTED]
respectfully alleges:

NATURE OF THE CLAIM

1. This action is brought under the Victims of Gender-Motivated Violence Protection Law (hereafter “VGM”) (New York City Administrative Code § 10-1101 *et seq.*). On January 9, 2022, an amendment to this Act was enacted by the New York City council. This amendment allows survivors of gender-motivated violence, whose claims were previously time-barred, to file a lawsuit against their abuser and/or the person or entity who enabled said abuser, during a two-year lookback period. The lookback window begins on March 1, 2023. As such, and given the statute of limitations amendments in the Child Victims Act, this action is timely. In addition, as per the Child Victims Act, the statute of limitations for child sexual abuse claims must be brought before Plaintiff turns 55 years old and Plaintiff is not yet 55 years old.

2. This is the case of plaintiff Yona Shine (hereafter “Plaintiff”), who along with her female childhood friend, was sexually abused as a child by DOV HERTZ (hereafter “Defendant” or “Dov”).

3. At all relevant times, Defendant was living in Kings County, New York, with his wife and children.

4. In approximately 1982, Plaintiff babysat defendant Dov's children when she was a minor young child of thirteen (13) years old.

5. During this time Dov isolated Plaintiff, called her when his wife was not around, and regularly and vigorously groomed her as a target for his sexual assault, sexual battery, and sexual abuse.

6. Upon information and belief, Dov Hertz repeatedly targeted young girls, like Plaintiff, to groom them, objectively their bodies, and sexually abuse them.

7. During this time, Dov Hertz sexually abused Plaintiff, then a minor, by forcefully fondling, grabbing, groping, and touching her breast, forcing her to touch his genitals, forcefully holding her hand on his penis, forcing her to look at pornography featuring naked women, forcefully kissing plaintiff, forcefully putting his tongue in plaintiff's mouth, and other sexual abuse.

8. Plaintiff brings this lawsuit to recover for the emotional and physical suffering she endured because of the Defendant and to make sure no other young girl is forced to suffer the abuse and physical and mental trauma she felt and continues to feel to this day.

FACTS OF THE CASE

9. Defendant sexually abused young girls, such as Plaintiff, in Brooklyn, New York.

10. In or about 1982, when Plaintiff was approximately thirteen (13) years old she began working summers as a mother's helper in the New York Catskill Mountains (hereafter, as "Catskills"). The job consisted of babysitting and light housekeeping for a family with three (3) children.

11. During the summer, she remained upstate all week, where the wives remained as well, while the husbands would travel upstate to the Catskills on weekends, sometimes as early as

Thursday night. The Catskills had several bungalows, where the individual families would stay for the summer.

12. In the Catskills that summer, Plaintiff met Dov Hertz and his then wife, Suri, and began babysitting their two youngest children.

13. One night when Plaintiff was babysitting Dov's children and Suri wasn't home, Dov called the house phone. Plaintiff told him Suri was not home. Dov told Plaintiff he wanted to talk to Plaintiff, and, after speaking with her for some time, proceeded to ask Plaintiff if she ever kissed a boy, how did it make her feel, and what did the boy look like.

14. On future calls, his questions became more sexually explicit, asking if she knew other words for "penis" and had she ever heard a penis called a "cock" before.

15. Soon thereafter, Dov hired Plaintiff and, in doing so, requested she exclusively babysit for his family. She then stayed in their Catskills bungalow and did not work for anyone else. Dov continued to talk to Plaintiff on the phone for hours at a time, continuing to groom her and asking her questions of a sexual nature.

16. On one occasion, Plaintiff went home for a weekend and went on a date with a boy around her age. Immediately after she came back to the Catskills, Dov asked her for explicit details as to everything that happened on the date. This included asking Plaintiff, how she felt on the date and if she got wet between her legs. On that same call, he described to her why a woman gets wet between her legs and what it means when a man gets a "hard cock". He also described to Plaintiff that when a girl's nipples are touched, they get hard, and that stimulated a woman between her legs.

17. Soon thereafter, on another phone call, Dov told Plaintiff he was going to get her alone with him and "we will see what happens", which scared Plaintiff.

18. One day, by the pool, Dov came up to Plaintiff and started asking her who the prettiest woman in the pool was. Plaintiff replied to Dov that it was his wife, Suri. He went into further detail asking Plaintiff to describe all the women at the pool and who was sexiest. Plaintiff did not know why Dov would have such sexual conversations with her while married to Suri.

19. Dov then made Plaintiff list and describe each female at the pool, asking for specific details about their figures. He asked her what she thought of each female's body. The females at the pool included minor young girls, like Plaintiff. He told Plaintiff to think of him, sexually, while she was at the pool.

20. Dov was continually grooming Plaintiff, who was a young child, by regularly having sexually explicit conversations with Plaintiff on the phone, isolating Plaintiff by hiring her as his family's sole babysitter to stay on his property under his control, and escalating the nature of their interactions as time went on.

21. On another call, Dov asked Plaintiff if she had ever masturbated before. He told her she must "spread [her] lips" and to "spread [her] two lips" and "touch it, it will be wet" while on the phone. He then asked her for her bra size, which he told her was "impressive".

22. On another call, Dov told her to "spread [her] legs then touch [her] two lips and feel for the clit". He described to her what the "clit" is then and then demanded she "rub it" and said when she did it would "heat up" and it would feel good. He asked her if she ever had an orgasm, if she knew what an orgasm was, and did she know what would happen to her body if she orgasmed.

23. On another call, Dov told Plaintiff he was going to meet with a married woman (who was not his wife) from the Catskills in the city one day. He told her the woman's name, knowing Plaintiff knew her. He then described to Plaintiff how he met the woman in a hotel, what

her body looked like, and what sexual acts he performed upon her. Plaintiff was shocked. He told Plaintiff he opened up a new world, sexually, for this woman. He then started to repeatedly threaten Plaintiff "wait till I get you alone" every time they spoke. This scared Plaintiff. He would also threaten Plaintiff that he would get her alone one day, and that it was only a matter of time.

24. On another call, Dov told Plaintiff he booked her to babysit for him after the summer season in the Catskills had ended, in September. She felt she couldn't escape him.

25. The phone conversations continued and escalated throughout the entire summer. Dov repeatedly told Plaintiff he wanted her body.

26. One Saturday night, Plaintiff went behind the bungalows to take out the garbage. Out of nowhere Dov appeared. Plaintiff was visibly terrified. Dov appeared to be enjoying the fact that Plaintiff was scared. He smiled and asked her, "What are you scared of? That I would get you here by the garbage dump?" When Plaintiff didn't respond he told her that he would "wait" until they had "a place".

27. After the summer ended, Dov called Plaintiff to babysit. Each time, he would pick her up at home and drive her to the family home by himself.

28. That autumn, when she started to babysit at the family home, the sexually explicit conversations Dov would force upon Plaintiff the conversations ceased being over the phone and continued in person.

29. Dov would place pornographic magazines featuring naked women where he thought Plaintiff would find them while babysitting. Dov would then ask Plaintiff about the pornographic magazines, demanded that she describe what she saw in the magazines, and did it make her "feel warm and wet between [her] legs". He would question her as to whether she liked seeing the women naked, wanted descriptions of their bodies and what was being done to them in

the magazines, and if she liked seeing the women performing sexual acts. Dov did this to Plaintiff every time she babysat for his family, which occurred regularly on weekends. Plaintiff felt confused, alone, isolated, secretive, and dirty.

30. One weekend, Dov planned for Plaintiff to sleep at his family home because she would be babysitting till late at night. He told Plaintiff, by the time he got home it would be too late to drive her all the way home and that she had to sleepover. That night, Plaintiff planned to sleep in Dov's children room where she thought she would be safe. Plaintiff was terrified.

31. Plaintiff fell asleep before Dov came home. Upon his return home, Dov came inside the children's room to check on his kids. He snuck to the bed where Plaintiff was sleeping, woke her up by forcefully kissing her, and repeated his threat, "wait till I get you alone." Plaintiff was horrified and felt powerless. She grabbed the blanket tight over her pajamas and tried to make it so he couldn't touch her body. Dov seemed amused and laughed at her saying "What do you think? That I am crazy? That I would touch you here with my kids?" After he said that, Plaintiff felt even more powerless. She was thirteen (13) years old.

32. In September of that year, Plaintiff babysat Dov's children again for Suri's birthday. Plaintiff was still frightened by what occurred the night she slept over, but felt she had no choice as Dov booked her to babysit this night months in advance, and she did not want to disappoint Suri.

33. Plaintiff asked her friend, who was a minor young girl at the time, to come with her to the babysitting job, thinking Dov would not have a chance to be alone with her while her friend was there and, as a result, he would not attack her again. Plaintiff told her friend of the threats Dov made, and her friend agreed they would be safe if they went together.

34. That day, Dov picked Plaintiff and her friend up from Plaintiff's home. Both girls sat in the back seat. When Dov saw this, he laughed at them and told them both, "So you think you will be safer as two girls together?"

35. Later that night, after Dov and his wife had come back home, Dov told Plaintiff and her friend to get in the car so he could drive them home. He ordered them to both sit in the front seat together or they would not leave. Plaintiff sat in the middle seat in the front of the car, while her friend sat by the passenger door in front.

36. After driving a short distance, Dov told Plaintiff and her friend that he was taking the long way. He then parked the car on the side of the Bay Parkway in Brooklyn, far from Plaintiff's home. Plaintiff and her friend had no way to escape him.

37. After parking the car, he told the young girls that he should sit in the middle of them, and proceeded to forcefully grab and move them, in order to change their positions in the car so that he was in between them. He then told them, "If you thought you brought protection [from me], you were wrong".

38. When Plaintiff was moved into the driver's seat, she accidentally hit the car horn, which briefly beeped. He yelled at Plaintiff, "What did you do? Did you want to get attention or something?" Plaintiff and her friend were terrified.

39. Dov then asked Plaintiff and her friend if they "know what a menage-a-trois is?" Both young girls answered "no". He then explained the meaning of menage-a-trois to both young girls. He told them a man being with two young girls is every man's fantasy.

40. Dov then demanded that the girls do this with him whether they were ready or not.

41. Dov then grabbed Plaintiff's young friend and forcefully kissed her, shoving his tongue into her mouth.

42. Immediately after, he forcefully fondled, grabbed, and groped Plaintiff's breast and forced her to kiss him shoving his tongue in Plaintiff's mouth.

43. Dov then violently grabbed Plaintiff's hand and forced it onto his penis. He used his hand to ensure her hand remained on his penis for some time, not allowing her to take her hand away.

44. At the time, Plaintiff was a minor child, and she did not, and could not, consent to being touched by Dov, who was an adult, in a sexual manner.

45. After Dov was satisfied and released Plaintiff's hand from his penis, he told Plaintiff and her friend he would drive them home as he did not want his wife to expect anything. He then told them that this would be it "for now".

46. Dov called Plaintiff the next day after she got home from school, and made sexually explicit comments to her, about her body over the phone. He told her that her lips were soft, and her breasts were firm. He also asked her if she thought his "cock was big".

47. On that same call, Dov told Plaintiff that he planned to see her often and they would do similar things as they did in the car. He told her he would teach her all about sex. Plaintiff was terrified and confused. Plaintiff's mother was in the room and then grabbed the phone and told the caller never to speak to Plaintiff again.

48. Plaintiff avoided Dov when she would see him at events or around the camp during the following summer in the Catskills. On occasion, Plaintiff witnessed him approaching and talking to multiple young girls at the camp who she knew to be younger than her.

49. Ten years later, Plaintiff worked for clients that required her to speak with Dov about elevators they used that he owned. Soon after initially contacting Dov, he resumed old habits and, one time when Plaintiff met him in person, he described to Plaintiff many of the sexual

relationships he had since he'd last seen her, and what he did to those women and their bodies. He specifically bragged to Plaintiff that sometime after Plaintiff stopped babysitting for his family, he met and groomed a young fifteen (15) year old girl at the bungalows in the Catskills and how, sometime thereafter, he had sexual relations with her. He also told her that his goal was to teach all "young girls" about their sexuality, insisting that he should be "their first".

50. As described above, and upon information and belief, Defendant intentionally pursues minor young girls in order to groom them so he can forcefully make them perform sexual acts upon him, and to forcefully perform sexual acts upon them.

51. As a result of the actions of Defendant, plaintiff felt and continues to feel ashamed, confused, and uncomfortable. Plaintiff has endured and continue to suffer severe emotional distress due to Defendant's intentional tortious acts and other unlawful conduct.

52. But for Defendant's intentionally tortious acts, Plaintiff would not have suffered the mental and physical anguish she endures to date.

53. Defendant's gross negligence, reckless, wanton, and/or willful conduct, warrants the awarding of compensatory damages in addition to punitive liability and damages.

AS AND FOR A FIRST CAUSE OF ACTION
(Violation of New York City Administrative Code § 10-1101 *et. seq.*)

54. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of the complaint marked and designation 1. through 53., inclusive, with the same force and effect as if hereinafter set forth at length.

55. **DOV HERTZ**'s sexual abuse and battery against Plaintiff, and at least one other girl, constitute felonies under New York State law and federal law and presented a serious risk of physical and emotional injury to plaintiff, regardless of whether or not these acts have actually resulted in criminal charges, prosecution or conviction.

56. **DOV HERTZ**'s barbaric acts against Plaintiff, and at least one other girl, is a crime of violence motivated by gender, committed because of gender and/or on the basis of gender, and due, at least in part, to an animus based on the victims' gender.

57. The sexual acts committed by **DOV HERTZ** against Plaintiff was not consensual. Said acts were a violation of Plaintiff's bodily autonomy and an expression of **DOV HERTZ**'s contempt from that autonomy. **DOV HERTZ**'s malice and/or ill will based on Plaintiff's gender is apparent from the commission of the acts of sexual abuse itself, as well as the fact both of his known victims are female.¹

58. Therefore, as a result of the conduct complained of herein, defendant **DOV HERTZ** has violated New York City Administrative Code § 10-1101 *et. seq.*, known as the "Victims of Gender-Motivated Violence Protection Act," and as such, defendant **DOV HERTZ** is liable to Plaintiff for: (1) compensatory and punitive damages; (2) injunctive and declaratory relief; (3) attorneys' fees and costs; and, (4) such other relief as a court may deem appropriate.

59. As a direct and proximate result of defendant's violation of New York City Administrative Code § 10-1101 *et. seq.*, known as the "Victims of Gender-Motivated Violence Protection Act," Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

60. As a direct and proximate result of defendant's violation of New York City Administrative Code § 10-1101 *et. seq.*, known as the "Victims of Gender-Motivated Violence Protection Act," Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money

¹ In accordance with *Breest v. Haggis*, 180 A.D.3d 83, 94 (1st Dept. 2019) and *Engelman v. Rofe*, 194 A.D.3d 26 (1st Dept. 2021): "Animus inheres where consent is absent".

for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

61. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to her nervous system and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said Plaintiff was incapacitated from attending her regular activities; and there was caused to be expended sums of money for medical care on her behalf.

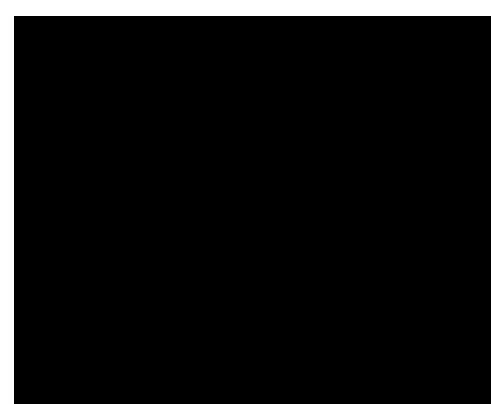
62. By reason of the foregoing, the Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the Plaintiff is further entitled to punitive and exemplary damages from Defendant in such sums as a jury would find fair, just, and appropriate to deter said Defendant and others from future similar misconduct.

63. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

64. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, Plaintiff demands judgment against the Defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
November 3, 2023



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

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[REDACTED]
Plaintiff,

-against -

**ATTORNEY
AFFIRMATION**

DOV HERTZ,

Defendant.

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[REDACTED] an attorney duly admitted to practice in the Courts of New York State, and a member of the firm [REDACTED], attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affiant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
November 3, 2023

[REDACTED]