

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREA CONSTAND, : CIVIL ACTION NO.
Plaintiff :
 :
v. :
 :
MARTIN D. SINGER, ESQUIRE :
and :
THE NATIONAL ENQUIRER :
Defendants :

COMPLAINT

Plaintiff Andrea Constand, by her attorneys,
Troiani/Kivitz, L.L.P., claims of Defendants a sum in excess of
\$150,000.00, and in support thereof states the following:

A. Jurisdiction and Venue

1. Plaintiff Andrea Constand is a citizen of Canada and
a resident of Pickering, Ontario.

2. Defendant Martin D. Singer is a citizen and resident
of the state of California.

3. Defendant The National Enquirer is a tabloid
newspaper with offices located at One Park Avenue, 3rd Floor,
New York, New York and in Boca Raton, Florida.

4. The United States District Court for the Eastern
District of Pennsylvania has jurisdiction over this action
pursuant to 28 U.S.C. §§ 1332 and 1332(a)(2) as this is a civil
action between a citizen of a state and a citizen or subject of

a foreign state with an amount in controversy in excess of \$75,000.

5. Venue lies in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391 in that the events giving rise to the claim occurred in the Eastern District of Pennsylvania.

B. The Parties

6. Plaintiff Andrea Constand is an adult individual currently residing at a confidential address in Pickering, Ontario.

7. Defendant Martin D. Singer is a citizen of the state of California and whose business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

8. Defendant The National Enquirer is a tabloid newspaper with offices located at One Park Avenue, 3rd Floor, New York, New York and in Boca Raton, Florida.

C. Factual Background

9. Plaintiff incorporates by reference the prior paragraphs of this Complaint, as though fully set forth at length.

10. On or about December 2001, Plaintiff was employed at Temple University as Director of Operations for the Women's Basketball program. In her capacity as such, Plaintiff met William H. Cosby, Jr. ("Cosby") in November 2002.

11. Cosby fostered a friendship with Plaintiff, so that over time she considered him to be both her friend, albeit older, and a mentor.

12. For over one (1) year, Plaintiff socialized with Cosby, including, *inter alia*, discussing Temple women's basketball with him, talking with him by telephone, and being his guest at dinner parties and other events hosted by him at his Cheltenham home and other locations.

13. In January 2004, Cosby invited Plaintiff to his 8210 New Second Street, Cheltenham, Montgomery County, Pennsylvania, home, telling her that he wanted to offer her assistance in her pursuit of a different career.

14. Plaintiff agreed to meet him, and arrived at Cosby's home at approximately 9:00 p.m.

15. During that meeting, Cosby drugged the plaintiff and sexually assaulted her, the facts of which are set forth in another action captioned, *Constand v. Cosby*, Civ. Action No. 05-CV-1099 (E.D. Pa. 2005).

16. On January 13, 2005, Plaintiff reported Cosby's actions to the Durham, Ontario police.

17. Following Plaintiff's January 13, 2005 police report, Cosby and Defendant Singer publicized statements to the media, including, *inter alia*, *Celebrity Justice* ("CJ"), which statements included: Sources connected with Bill Cosby tell "CJ" that before his accuser went to police, her mother asked

the comedian to make things right with money. . . .We're told she asked Cosby to help pay for her daughter's education and to generally help her out financially, and this conversation occurred before the accuser ever contacted police. . . .As police continue to investigate, a Cosby rep [Defendant Singer] call [sic] this a classic shakedown....However, Cosby's attorney, Martin Singer dismissed the allegation as sheer nonsense and instead accused Constand of being an extortionist who made the allegations only after Cosby refused to give her money.

18. These particular statements were broadcast nationwide, and posted on *Celebrity Justice's* internet website, also available nationwide, on February 7, 2005 and February 9, 2005, and repeated in multiple news outlets thereafter, (See Exhibit A).

19. *Celebrity Justice, The Toronto Sun, and FoxNews,* among other media sources, had previously printed and/or aired Plaintiff's name and address and/or picture in connection with this investigation, and other media sources had published her name and/or a picture of Plaintiff as well, therefore making her identity as Cosby's accuser recognizable to the public.

20. On or about January 26, 2005, Cosby gave an interview to Cheltenham Township Police officers, in which Cosby admitted that neither Plaintiff nor her mother had asked him for any

money, but had only asked him to apologize to Plaintiff and her mother, which he did.

21. Sometime thereafter, Defendant Singer informed Cosby that another woman, Beth Ferrier, had contacted Defendant The National Enquirer about a similar incident involving Cosby in which Ferrier alleged that Cosby sexually assaulted her after she unknowingly ingested a drug given to her by Cosby.

22. On or about February 21, 2005 in Houston, Texas, Cosby met with representatives of Defendant The National Enquirer including Enquirer editor, Barry Levine.

23. Prior to the Houston meeting, Cosby's representatives, including Defendant Singer, negotiated with Defendant, The National Enquirer and agreed, *inter alia*, that Cosby would provide an exclusive interview to Defendant The National Enquirer, if The National Enquirer would agree to refrain from printing the Beth Ferrier story.

24. Defendant The National Enquirer provided a copy of the unpublished Beth Ferrier article to Cosby and his representatives, and also provided the interview of Cosby to Cosby and his representatives for his review, prior to publication.

25. At the Houston meeting, Cosby also informed Defendant The National Enquirer of the conversation he had with Plaintiff and her mother in January 2005, in which they had asked only for an apology, not for money.

26. On or about February 21, 2005, Cosby gave the agreed upon "exclusive" interview to Defendant The National Enquirer concerning Plaintiff's allegations. In that interview, in an effort to continue to make the public believe that Plaintiff was guilty of extortion, Cosby said, "I am not going to give in to people who try to exploit me because of my celebrity status." (See Exhibit B)

27. Despite knowing that Plaintiff had not requested money from Cosby, Defendant The National Enquirer printed the exclusive Cosby interview, which falsely stated that Plaintiff's objective was extortion.

28. At the time that Cosby and/or his authorized representatives and/or agents, servants, or employees, including Defendant Singer, made their statements to *Celebrity Justice*, Defendant The National Enquirer, and other publications, each of them knew or should have known that the statements were false, because following Plaintiff's report of the incident to the Durham police, and beginning on or about January 16, 2005, and continuing in the days thereafter, Cosby and/or his representatives and agents, including Defendant Singer, placed at least four telephone calls to Plaintiff and her mother in which, among other things, Cosby apologized and offered financial compensation to Plaintiff, which offer was not accepted by Plaintiff and/or her mother.

29. At the time of the publication, Defendant The National Enquirer was aware that the article placed Plaintiff in a false light and was in fact, false, in that The National Enquirer had knowledge of other women who made claims against Cosby that he had drugged, and then sexually assaulted them.

30. At the time of the publications to *Celebrity Justice* and The National Enquirer, Defendant Singer was aware that the publications placed Plaintiff in a false light and were in fact, false, in that Defendant Singer had knowledge of other women who made claims against Cosby that he had drugged, and then sexually assaulted them.

COUNT I

**Andrea Constand v. Martin Singer
Defamation/Defamation Per Se**

Plaintiff hereby incorporates by reference the prior paragraphs of this Complaint as though fully set forth at length.

31. At all times relevant hereto, Plaintiff was a law abiding citizen of the Commonwealth of Pennsylvania and/or Pickering, Ontario, who enjoyed the respect, confidence and esteem of her neighbors, as well as others in the community, and has never been adjudged guilty of any crime, offense or violation of the law which would tend to lessen the respect, confidence and esteem which she enjoyed, and to which she was entitled.

32. On or about February 7, 2005, and at diverse times thereafter, Defendant Singer intending to injure the Plaintiff and to deprive her of her good name, credit and reputation, falsely, maliciously, and wickedly provided information for at one or more publications, including but not limited to *Celebrity Justice*, a nationally syndicated television show and internet website concerning Plaintiff, which statements are more fully set forth above.

33. On or about February 21, 2005, Defendant Singer and Cosby agreed to give an "exclusive" interview to Defendant The National Enquirer, a national tabloid with a circulation of about 1.5 million, intending to or knowing it would injure Plaintiff, and to deprive her of her good name, credit and reputation, in which Cosby made the defamatory statements more fully set forth above.

34. Defendant The National Enquirer printed its exclusive interview with Cosby despite knowing that Plaintiff's objective was to obtain an apology from Cosby, not to extort him.

35. The statements contained in the above publications, shows and web sites intended to and did convey to the viewers and/or readers thereof, either directly or by implication, that Plaintiff asked Cosby for money; she did so before she went to the police; and, that her actions

constituted a "classic shakedown", or an attempt to extort money from Cosby, and to exploit him.

36. The statements and charges in the publications, shows, and/or web sites identified in the foregoing paragraphs of this Complaint are false, and Defendants Singer and The National Enquirer knew or should have known that they were false at the time of the publications.

37. Plaintiff has never, at any time, been guilty of the crimes alleged by Cosby, nor was she ever an accessory to, nor an aider and abettor of, such criminal acts, nor has she ever been guilty of any other violation of law, but she has at all times been a peaceable and law abiding inhabitant of the several communities in which she has resided from the day of her birth to the present time.

38. Defendant Singer knew, or should have known that the statements and charges contained in the publications, shows and web sites identified in the foregoing paragraphs of this Complaint were false when made, and Singer uttered and published them either intentionally and maliciously, or with reckless disregard for their truth or falsity.

39. The statements and charges contained in the publications, shows and web sites identified in the foregoing paragraphs of this Complaint were printed, published, circulated and aired by *Celebrity Justice* on February 7, 2005 and February 9, 2005, and by Defendant The National Enquirer on

or about March 4, 2005, and were widely heard and read by the Plaintiff=s family, neighbors, and friends and diverse other persons, who understood immediately that Plaintiff was the accuser to which Defendants referred.

40. By reason of the printing, publication, and circulation of the statements and charges contained in the articles, shows, publications, and web sites identified in the foregoing paragraphs of this Complaint, Plaintiff has been brought into scandal and reproach, and has been held up to scorn and contempt among her neighbors, business acquaintances, and other good citizens, and is suspected by them to have been guilty of the crimes and fraudulent practices which Defendants= publications imputed to Plaintiff, as a result of which the Plaintiff has suffered in her business, her reputation, feelings and peace of mind, to her great financial loss and damage, and to her great humiliation.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against Defendants Singer and The National Enquirer, jointly and severally in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) plus attorneys' fees, interest, costs, punitive damages, and such other additional relief as this Court deems just and proper.

COUNT II

**Andrea Constand v. The National Enquirer
Defamation/Defamation Per Se**

Plaintiff hereby incorporates by reference the prior paragraphs of this Complaint as though fully set forth at length.

41. At all times relevant hereto, Plaintiff was a law abiding citizen of the Commonwealth of Pennsylvania and/or Pickering, Ontario, who enjoyed the respect, confidence and esteem of her neighbors, as well as others in the community, and has never been adjudged guilty of any crime, offense or violation of the law which would tend to lessen the respect, confidence and esteem which she enjoyed, and to which she was entitled.

42. On or before February 21, 2005, Defendant Singer and Cosby agreed to give an "exclusive" interview to Defendant The National Enquirer, a national tabloid with a circulation of about 1.5 million, intending to or knowing it would injure Plaintiff, and to deprive her of her good name, credit and reputation, in which Cosby made the defamatory statements more fully set forth above.

43. Defendant The National Enquirer printed its exclusive interview with Cosby despite knowing that Plaintiff's objective was to obtain an apology from Cosby, not to extort him.

44. The statements contained in the above publication were intended to and did convey to the readers thereof, either directly or by implication, that Plaintiff asked Cosby for

money; she did so before she went to the police; and, that her actions constituted a "classic shakedown", or an attempt to extort money from Cosby, and to exploit him.

45. The statements and charges in the publication identified in the foregoing paragraphs of this Complaint are false, and Defendants Singer and The National Enquirer knew or should have known that they were false at the time of the publications.

46. Plaintiff has never, at any time, been guilty of the crimes alleged by Cosby, nor was she ever an accessory to, nor an aider and abettor of, such criminal acts, nor has she ever been guilty of any other violation of law, but she has at all times been a peaceable and law abiding inhabitant of the several communities in which she has resided from the day of her birth to the present time.

47. The statements and charges contained in the publication identified in the foregoing paragraphs of this Complaint were printed, published, circulated and aired by Defendant The National Enquirer on or about March 4, 2005, and were widely heard and read by the Plaintiff's family, neighbors, and friends and diverse other persons, who understood immediately that Plaintiff was the accuser to which Defendants referred.

48. By reason of the printing, publication, and circulation of the statements and charges contained in the articles, shows, publications, and web sites identified in the foregoing paragraphs of this Complaint, Plaintiff has been brought into scandal and reproach, and has been held up to scorn and contempt among her neighbors, business acquaintances, and other good citizens, and is suspected by them to have been guilty of the crimes and fraudulent practices which Defendants' publications imputed to Plaintiff, as a result of which the Plaintiff has suffered in her business, her reputation, feelings and peace of mind, to her great financial loss and damage, and to her great humiliation.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against Defendants Singer and The National Enquirer, in an

amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) plus attorneys= fees, interest, costs, punitive damages, and such other additional relief as this Court deems just and proper.

COUNT III

**Andrea Constand v. Martin Singer and The National Enquirer
False Light/Invasion of Privacy**

Plaintiff hereby incorporates by reference the prior paragraphs of this Complaint as though fully set forth at length.

49. The statements identified in the foregoing paragraphs of this Complaint made by each of the Defendants were highly offensive statements made against Plaintiff, which portrayed her in a false light.

50. The statements identified in the foregoing paragraphs of this Complaint made against Plaintiff were publicized by Defendants.

51. Each of the defendants knew or should have known that such statements were false, or recklessly disregarded the falsity of said statements.

52. Each of the defendants created a false impression by knowingly or recklessly publicizing selective pieces of information, rendering the publication

susceptible to inferences casting Plaintiff in a false light.

53. By reason of each of the defendants= aforesaid conduct, Plaintiff has suffered in her business, her reputation, feelings and peace of mind, to her great financial loss and damage, and to her great humiliation.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against Defendants Singer and The National Enquirer, jointly and severally, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) plus attorneys= fees, interest, costs, punitive damages, and such other additional relief as this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury in this matter.

Respectfully submitted,
Troiani/Kivitz, L.L.P.

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