

*See: pg 8 pp 20,
pg 13 pp 33 (g) (h)*

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

JAMES C. COURI,

Plaintiff,

-against-

LEONA HELMSLEY, THE HELMSLEY CARLTON
HOUSE INC., RALPH L. GAGNER, HELMSLEY
SPEAR, COTERIE CLUB, "JANE" GOLDSMITH,
JOHNS DOES "1 - _____"),

Defendants.

INDEX NO.
93/113396

VERIFIED COMPLAINT

Plaintiff, JAMES C. COURI ("COURI") for his Complaint states:

1. Plaintiff is an individual residing at 680 Madison Avenue, New York City.

2. Defendant LEONA HELMSLEY ("LEONA") is at all times herein (upon information and belief) the control person and an executive of The Helmsley Carlton House (CARLTON HOUSE), Helmsley Spear, (HELMSLEY) and upon information and belief exerts domination and control over the activities of Coterie Club (COTERIE) Helmsley Carlton and Ralph L. Gagner (GAGNER). LEONA was and is a resident of the County and State of New York and conducts business and maintains her principal place of business in the County and State of New York. LEONA is presently serving jail time in a Federal Prison on information and belief in Danbury, Connecticut for tax infractions and fraud, etc.

3. Defendant RALPH L. GAGNER ("GAGNER") is at all times herein General Manager of The Carlton House and was and is a resident of the County, and State of New York and conducts business

Exhibit one

and maintains his principal place of business in the County and State of New York AT 680 Madison Avenue, New York, NY.

4. Defendant **THE HELMSLEY CARLTON HOUSE, INC.** ("CARLTON) is on information and belief a corporation organized under the laws of the State of New York conducting business in the State and City of New York and sets itself out to the public as a residential hotel/apartment house and is, upon information and belief under the direct control of LEONA and GAGNER and others. CARLTON maintains its principal place of business at 680 Madison Avenue, New York City.

5. **HELMSLEY SPEAR** ("HELMSLEY") upon information and belief is a corporation organized under the laws of the state of New York conducting business in the State of New York and allegedly licensed by the State of New York to engage in various forms of real estate transactions within the State of New York (and elsewhere) pursuant to Federal, State and City laws. HELMSLEY is allegedly the managing agents of The Carlton; Helmsley upon information and belief is under the control and domination of LEONA. HELMSLEY maintains its principal place of business at 60 East 42nd Street, New York City and at other locations within the County and State of New York.

6. Defendant **COTERIE CLUB** ("COTERIE") is upon information and belief a corporation organized under the laws of the state of New York conducting business in the State and County of New York. COTERIE occupies space at The Carlton in at least two apartment units (i.e., 902 and 903) on a residential floor of The Carlton.

COTERIE conducts and operates an illegal gambling enterprise at CARLTON. COTERIE is engaging in offering various forms of games of chance such as Poker, Backgammon, Gin Rummy, Bridge, Dice, etc. to COTERIE "members" and guests. COTERIE solicits individuals to become members of COTERIE for a fee of at least \$1500 per year which entitles persons to partake in various forms of gambling on the premises of CARLTON in which COTERIE (as a casino) pays the winning person and collects from the losing persons for a fee. COTERIE conducts these activities from the 9th Floor of CARLTON with the full knowledge and consent of all defendants herein. Upon information and belief COTERIE and its control persons may be conducting similar activities in and at other locations within the County and State of New York.

7. Defendant "JANE" GOLDSMITH ("GOLDSMITH") is at all times herein "Director" of COTERIE and was and is a resident of the County and State of New York and conducts business and maintains her principal place of business in the County and State of New York. On information and belief GOLDSMITH is a personal friend, confidant and business associate of LEONA.

8. Defendants Joe Does "1 - ___" were and are various employees guests and "Members" of the COTERIE, CARLTON and HELMSLEY who were and are engaged in and are participating in the gambling and other enterprises at COTERIE, etc. at the CARLTON and elsewhere and who were and are co-conspirators to the fraudulent scheme and conspiracy and who at all times upon information and belief were and are residents of New York and who conduct business in the

County and State of New York.

9. Defendant HAROLD MIRIAM ("MIRIAM") is an employee of HELMSLEY, allegedly a lawyer, who at all times herein is and was a resident of the County and State of New York and conducts business at 60 East 42nd Street within the offices of HELMSLEY in the County and State of New York.

FIRST CAUSE OF ACTION

10. At or about February, 1993, Plaintiff COURI observed and responded to an advertisement in the New York Times. The ad was placed in the New York Times by Defendants GAGNER and CARLTON for the purposes of solicitation of residential apartments located within The Carlton. The advertisement described The Carlton as "Luxury Apartment Hotel Residence "providing a myriad of Luxury Services including privacy and complete security."

11. Thereafter COURI had various meetings with GAGNER and others who in concert with defendants herein (among others) repeatedly and wilfully misinformed COURI about the building, its tenants, its occupancy rates and legal status, permanent residences, security, etc.

12. In order to induce COURI into executing a lease lucrative to GAGNER and CARLTON, LEONA and HELMSLEY, Gagner made repeated wilfully false;and fraudulent statements regarding The Carlton orally and in the New York Times Real Estate section of the Sunday New York Times. GAGNER advised COURI that various "Fortune 500" Business Executives maintained permanent residences at The Carlton, such statements made by GAGNER were false and known to be false at

the time they were made. GAGNER falsely stated that various other famous persons maintained permanent residences at The Carlton such as George C. Scott, Martin Davis, Yusef Karsh, Pierre Cardin and many others. In fact, none of these persons occupy permanent apartments at The Carlton. Accordingly, such statements GAGNER knew were wilfully untrue. GAGNER advised COURI falsely that The Carlton was a residential Hotel/Apartment occupied solely by permanent residents for dwelling purposes only and that The Carlton was in compliance with all Federal, State and Local Laws and that The Carlton was 80% occupied. All such statements made by GAGNER were false, known to be false at the time they were made and were made solely as part of a fraudulent scheme to induce COURI into executing a lease for an apartment unit at The Carlton and to spend substantial sums improving Carlton property at Apt. 912.

13. GAGNER, in concert with Defendants herein falsely represented that the security at the Carlton was exemplary when in fact it is virtually non-existent. In fact the statements regarding Security were false and known to be false at the time they were made by GAGNER and other representatives of CARLTON. GAGNER failed to state the truth regarding the circumstances ongoing at The Carlton and failed to advise plaintiff of the illegal enterprises proliferating at The Carlton (i.e., at the COTERIE, gambling, etc.)

14. Thereafter at or about February 22, 1993, having been fraudulently induced by Defendants herein COURI executed a lease for a residential unit at CARLTON to be occupied by COURI, his wife

and 14-year old daughter, (Apartment 912 on the 9th Floor of The Carlton). Such lease provides inter alia that:

- a) Owner agrees that the Apartment and the Building are fit for human habitation and that there will be no conditions which will be detrimental to life, health or safety. The apartments are for living purposes only.
- b) Compliance with all present and future City, State and Federal Laws and Regulations which affect the Building or the Apartment.
- c) Objectionable conduct - behavior, which makes or will make the Apartment or Building less fit to live in for you or other occupants. Anything which interferes with the right to properly and peacefully enjoining the apartments or causes conditions that are dangerous, hazardous, unsanitary and detrimental to tenant in the Building.
- d) Negligence and misconduct of owner, owners agents or employees - responsibility of owner to tenant by virtue of failure by Owner to do what Owner is supposed to do about the condition of the Building, etc.

Subsequent to execution of lease and after Plaintiff spent substantial sums of money improving and decorating Apartment 912, Plaintiff learned of the existence of an illegal gambling club and enterprise (COTERIE CLUB) located also on the 9th Floor of The Carlton (located in at least Apartments 902 and 903, Plaintiff also learned that Security in the CARLTON is virtually non-existent (particularly on the 9th Floor).

15. The gambling club (THE COTERIE) conducts business seven days a week from early a.m. until late p.m. each day offering various games of chance to an array of unsavory types, Mafia types and hustlers, etc. At no time did Defendants herein advise COURI that such a commercial and illegal enterprise was ongoing at The

Carlton on the 9th Floor where Plaintiff's apartment is located and which was to be relegated and represented solely as a residential floor for dwelling purposes only.

16. COURI inquired of GAGNER about the existence and legality and location of The Coterie on the 9th Floor of The Carlton. GAGNER advised plaintiff COURI that The Coterie is located at the Carlton with the full knowledge consent and approval of LEONA, CARLTON, HELMSLEY, and that LEONA continues to maintain autonomous control over "The Helmsley Empire", and regardless of legality or not LEONA wishes COTERIE to remain on the premises of CARLTON and continue its present operations.

17. GAGNER advised plaintiff that LEONA calls him and communicates with him from prison at least 3-4 times daily orchestrating the operations of Carlton and Helmsley.

18. By, at or about mid April 1993 and thereafter, plaintiff began to lodge repeated complaints orally and in writing directed to defendants CARLTON, HELMSLEY, LEONA, GAGNER and MIRIAM about the illegality of a gambling enterprise (THE COTERIE) on the 9th Floor of The Carlton. Plaintiff repeatedly complained about the objectionable conduct perpetuated, poor and non-existent security, the stream of non-resident gamblers and Mafia types arriving and departing to and from the 9th Floor, noise, cursing, etc in the hallway commencing early a.m. through late p.m. Defendants in concert with COTERIE have defended and "covered up" the Coterie's gambling and other activities and failed and refused to take steps to stop the conduct of COTERIE illegal operations, objectionable

conduct, interference into the quiet enjoyment of plaintiff's residence, and the dangers that can result therefrom. GAGNER and other defendants herein continue to lie and mislead plaintiff and engage in fraudulent conduct in order to minimize the magnitude of COTERIE "operations" and in the process violate plaintiff's lease with CARLTON and the law.

19. The negligence, misconduct, fraud and the perpetuation of the illegal enterprises ongoing at the Coterie Club and condoned by Defendants has caused repeated emotional, physical and monetary harm to plaintiff is in violation of plaintiff's lease and plaintiff's conduct with Defendants and laws and has constructively evicted plaintiff from his residence. Plaintiff's occupancy at Carlton is unsafe and unfit in view of the illegal enterprises, lack of security, etc.

20. The ongoing casino located in a residential building (i.e., The Carlton) and in violation of Certificate of Occupancy of the Carlton and other Federal and State Laws has caused irreparable harm, pain and suffering to Plaintiff and Plaintiff's quiet enjoyment, right to privacy in his home, and has caused unsafe conditions, great alarm to Plaintiff in view of the "Rogues Gallery" of Gamblers, Mafia Types, Hustlers, etc. streaming in and out of the 9th Floor where plaintiff resides, making noise, commotion, cursing throughout the day and into late p.m. Plaintiff was induced through a fraudulentscheme and conspiracy perpetuated by Defendants into executing a lease and consenting to take a residential unit at The Carlton, and to spend substantial sums

improving and decorating the unit (i.e., Apt. 912).

21. As a result of the foregoing wrongful conduct, false advertising, breach of contract, conspiracy, fraud, violations of law, negligent misrepresentation perpetrated by Defendants, their agents, servants and employees Plaintiff has been damaged in the amount of \$2,000,000.

SECOND CAUSE OF ACTION

22. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs "1" - "_____".

23. At or about early April 1993 while Plaintiff was moving property into Apartment 912 at CARLTON, GOLDSMITH appeared at plaintiff's door introducing herself as plaintiff's "neighbor". GOLDSMITH began to inquire of plaintiff about plaintiff's social and business activities and advised that she was a close friend of LEONA, GAGNER AND HELMSLEY and that she "operates" and "manages" a gambling club on the 9th floor of The Carlton and invited Plaintiff to join The Coterie for an annual fee of \$1,500 plus other charges. GOLDSMITH advised that The Club had been on The Carlton premises for over 7 years. Plaintiff was shocked and surprised about GOLDSMITH's representations. GOLDSMITH invited plaintiff COURI into the Coterie Club located approximately 75 feet from Plaintiff's apartment. The Coterie occupies residential units 902 - 903 at The Carlton and possibly other units on the premises. GOLDSMITH, in her attempt to solicit COURI as a Coterie member provided plaintiff with a tour of the Coterie Facilities located on the 9th Floor of the Carlton. Plaintiff observed the following:

a) approximately 15 backgammon tables, b) approximately 15 gin rummy tables, c) 2 large poker tables, d) a dice table, e) a kitchen, f) a lounge area, g) a in-house maid and "butler". Plaintiff observed at least 6 to 8 persons (men and women) playing gin rummy and or backgammon at the time of this visit which was at approximately 1:30 p.m. on a weekday.

24. Plaintiff was advised by GOLDSMITH at that time of the following;

- a. Backgammon games range from \$5 per point to \$500 per point and up. (Potential losses in games of this size will exceed tens of thousands of dollars)
- b. Gin Rummy turns \$.10 per point to \$5.00 per point. (Potential losses of tens of thousands of dollars)
- c. Poker games "pot limit" with "ante" of \$100 per player. (Approximately 10-12 players in a game) (Potential losses of hundreds of thousands of dollars)
- d. Coterie "books" the games and pays the winners out of The House account and collects from the losers.
- e. Membership is \$1,500 per year plus initiation fees.

25. GOLDSMITH advised plaintiff that "Who's Who" (in Business, Sports, Entertainment, etc.) in New York and throughout the U.S.A. and Internationally are members of the Coterie including Loona Helmsley, Herbert Pappoch, Gino Scalamandre, Edward M. Gilbert, Paul Magrill, Ms. Jan Chipman and approximately 700 others. Plaintiff was advised by GOLDSMITH that based upon the size and magnitude of the games of chance offered at Coterie at any given time persons could win or lose upwards of hundreds of thousands of dollars at a session and get paid by Coterie.

26. Plaintiff was advised by GOLDSMITH that Defendants herein (i.e., LEONA, HELMSLEY, GAGNER, CARLTON) were and are aware of the conduct and magnitude of the gambling spawning from The Coterie Club. Plaintiff was later told by various members departing the Coterie of winnings and losses exceeding \$50,000 and more in a given afternoon or evening.

27. After said meeting plaintiff lodged various complaints with The Carlton, GAGNER, MIRIAM, HELMSLEY. Plaintiff was falsely advised that HELMSLEY "security" would conduct "an investigation". To date, Defendant HELMSLEY has failed and refused to conduct any "investigation" or to put a stop to this illegal enterprise ongoing on the 9th floor of The Carlton in violation of plaintiff's lease, City, State and Federal laws. In fact Defendants wish it to perpetuate.

28. The CARLTON, HELMSLEY, GAGNER, MIRIAM, LEONA and JOHN DOES in concert with one another wilfully suppressed the existence of The Coterie and fraudulently induced Plaintiff into executing a lease for a residential apartment on the very same floor this gambling casino is located. Defendants knowingly and wilfully schemed together to suppress the existence of this gambling club before plaintiff executed the lease and after. Defendants in concert with each other including John Does have schemed to cover up and suppress the magnitude of high level gambling and games of chance perpetuated at the Coterie in violation of City, State and Federal laws and Federal, and State tax codes.

29. Plaintiff was advised by GAGNER that LEONA and her brother "Mr. Rosenthal" want and insist that The Coterie to continue "operations" at The Carlton. Defendants concert with each other have failed and refused to rectify and cure these illegal conditions and circumstances; failed and refused to put a stop to the objectionable conduct and dangerous activities spawning out of and from The Coterie Club which is detrimental and dangerous to plaintiff and plaintiff's family and plaintiff's occupancy of an apartment on the 9th Floor adjacent to Coterie.

30. Defendants herein are engaged in a fraudulent scheme to cover up through "perjury" and other deceptive acts and intimidation the magnitude of the illegal activities, gambling and criminal enterprise of the ongoing at The Coterie and The Carlton in concert with LEONA, HELMSLEY, GAGNER and others. GAGNER has become intimidating to Plaintiff.

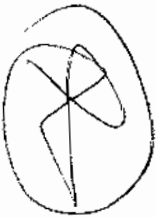
31. By reason of the above described wrongful acts, criminal enterprise, conspiracy, negligent misrepresentation, misconduct, fraud, fraudulent scheme and other wrongful conduct engaged in by Defendants, their agents, servants, employees, etc. plaintiff has been damaged in the amount of \$2,000,000.

THIRD CAUSE OF ACTION

32. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs "1" - "_____".

33. Plaintiff and plaintiff's family moved into Apartment 912 on or about April 12, 1993. From that point onward to the present plaintiff has been confronted with and subjected to the following

objectionable and illegal conduct and behavior and circumstances that have deprived plaintiff from peacefully enjoying his apartment and has caused conditions that are dangerous and detrimental to plaintiff and plaintiff's family and that are in violations with Plaintiff's contract, lease and agreements with CARLTON HELMSLEY and other Defendants.

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- a. Repeated and unabated stream of gamblers and Mafia types, etc. arriving and departing to the 9th Floor, loitering in the corridors and conduct that is violative of law (condoned by Defendants herein).
 - b. Loud conversations about large losses and winnings in the corridors by Coterie Club gamblers announcing winnings and losses exceeding six figures.
 - c. Ringing of plaintiff's doorbell late p.m. by gamblers looking for The Coterie Club which is located down the hallway from plaintiff's apartment early am to late p.m.
 - d. Calls on the "house phone" late p.m. by persons asking for the Coterie Club.
 - e. Noise and commotion cursing, etc. from the Coterie Club early am and late p.m disturbing plaintiff and plaintiff's family.
 - f. Total lack of security at the Carlton particularly to the 9th floor. Thereby creating a danger to plaintiff and plaintiff's family.
 - g. Violations of Certificate of Occupancy by CARLTON. Permitting COTERIE to operate on the 9th Floor.
 - h. Illegal and criminal enterprises ongoing adjacent to plaintiff's apartment at Carlton in New York City.
 - i. Violations of Federal, State and City laws.
 - j. Violations of various Federal and State Tax Codes.

34. Plaintiff has made repeated demands of Defendants to

activities spanning from COTERIE etc. to no avail.

35. Plaintiff has been advised by GAGNER and MIRIAM that LEONA (who is presently in prison) wishes the Coterie to continue operations at The Carlton and that LEONA is a close friend and associate of GOLDSMITH and a "member" of Coterie and that LEONA is the "Control Person" of CARLTON and HELMSLEY.

36. GAGNER has attempted to (along with others including MIRIAM) intimidate plaintiff and advised plaintiff that he ought not attempt to "go up against" "The Helmsley Empire" and Leona. Meanwhile, GAGNER & CARLTON and others induced plaintiff to spend substantial sums improving Apartment 912 insisted that Plaintiff retain Carlton agents, employees and contractors (and insisted Plaintiff pay these persons in cash) while the same time suppressing the activities of the illegal enterprises ongoing at The Carlton.

37. As a result of the foregoing tortious and wrongful conduct, malicious interference, violations of law, wrongful acts and conduct perpetuated by defendants, there, employees, agents, servants, co-conspirators, etc. including John Does, plaintiff has been damaged in the amount of \$2,500,000.

FOURTH CAUSE OF ACTION

38. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs "1" - "_____".

39. Plaintiff COURI suffers from a serious medical problem known as "Barretts Esophagus". Such serious medical condition results from the secretion and reflux of acidic buildup in

plaintiff's stomach to plaintiff's Esophagus. Such acidic buildup is caused in large part from aggravation, alarm, emotional trauma, etc. Plaintiff advised Defendant CARLTON, GAGNER, HELMSLEY of plaintiff's desire for privacy and security and a quiet residence. Plaintiff was through negligence and fraud assured by Defendants (GAGNER, CARLTON and HELMSLEY in concert with LEONA) that The Carlton and an apartment on the 9th Floor of CARLTON would provide plaintiff with complete security and quiet as provided and afforded in luxury residential dwellings and as set forth in various advertisements in the New York Times placed by Defendants for apartments at CLARTON. In fact, Defendants knew such statements were false and fraudulent and geared to induce plaintiff into accepting an apartment on the 9th Floor and spending substantial sums in decorating and improvements.

40. AS a result of Defendants' conspiracy, malicious interference, fraudulent and conspiratorial conduct and misrepresentations regarding the circumstances at The Carlton defendants conduct has caused plaintiff to exacerbate the serious medical condition (i.e., Barretts Esophagus). Defendants herein in concert with one another have wilfully and with the intent to alarm, harass and annoy plaintiff continue to perpetuate the nefarious activities spawning from The Coterie Club. Such activities continue to cause irreparable harm to plaintiff and emotional physical trauma. All of the foregoing tortious activities engaged in by Defendants in concert with each other along with other employees, agents, servants, conspirators have

caused plaintiff extreme physical and emotional harm and trauma and financial damage.

41. As a result of the foregoing wrongful activities and conduct perpetuated by defendants, their employees, servants, agents and co-conspirators plaintiff has been damaged in the sum of \$2,500,000.

FIFTH CAUSE OF ACTION

42. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs "1" - "_____",

43. From at or about February 1993 to present Defendants herein and their employees, servants, agents and co-conspirators and John Does have engaged in a fraudulent scheme to cover up the magnitude of the high level gambling and the "exchange" of large sums of money, etc. ongoing at The Coterie in violation of Federal, state and City laws, etc.

44. As an example: GAGNER admitted to Plaintiff (after plaintiff had executed Lease and occupied Apartment 912) activities ongoing at the Coterie after being confronted in late April. Some of GAGNER admissions to plaintiff's were:

- a. that LEONA was a "member" of the Coterie Club;
- b. LEONA calls GAGNER from prison sometimes 3-4 times a day and "controls" his activities and that of "The Helmsley Empire", The Carlton and Helmsley Spear.
- c. GOLDSMITH was and is a close friend of LEONA.
- d. that LEONA approves the perpetuation of Coterie's gambling activities at CARLTON.

45. When plaintiff continued his complaints regarding COTERIE's activities GAGNER "changed his tune" and is and has recently engaged (along with Defendant MIRIAM) in covering up COTERIE's illegal activities by claiming falsely that COTERIE is solely a "Backgammon Club".

46. Plaintiff has met with and spoken to Helmsley House Counsel MIRIAM. MIRIAM has engaged in a recent and rampant attempt to cover up the magnitude of the gambling enterprise ongoing at the Carlton but yet admitted that the existence of the COTERIE on the 9th floor was and is a violation of the Carlton's Certificate of Occupancy.

47. MIRIAM alleges that gambling is legal in New York.

48. MIRIAM, GAGNER and "Mr. Rosenthal" have along with defendants herein schemed to cover up the fraudulent and illegal operations ongoing at The Carlton and in the process engaged in conspiracy to defraud plaintiff and cause plaintiff to spend exhorbidant sums in moving, rental and improvements, etc. At a residence that is domiciled within a cesspool of illegal activities involving unsavory persons, gamblers, Mafia types, etc. proliferating under the control of Defendants herein. Defendants have engaged in a fraudulent scheme of false advertising, placing false and misleading statements in the New York Times regarding the condition, security, circumstances, etc. regarding the CARLTON. Defendants herein have engaged in a fraudulent scheme and wilful and false representations in the lease; and a fraudulent scheme to condone and cover up an illegal gambling enterprise and casino at

the Carlton on a residential floor where plaintiff's apartment is located in violation of a myriad of laws and tax codes, etc.

49. As a result of the Defendants conspiracy, false advertising, fraudulent scheme and misrepresentations and engaging in illicit gambling activities and willfully violating various Federal, State and City laws and as a result of the conduct perpetrated by Defendants and their employees, agents, servants, and co-conspirators including John Does, plaintiff has been damaged in the amount of \$3,000,000,

SIXTH CAUSE OF ACTION

50. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs "1" - "_____".

51. Since at or about April 12, 1993 plaintiff and his family have been subject to the noise, cursing, commotion, poor security (or total lack of security) onto the 9th Floor by the arrivals and departures of gamblers and Mafia types to The Coterie. Plaintiff has repeatedly demanded that this Club be "dispossessed" from the 9th Floor and The Carlton entirely.


52. The Coterie in concert with Defendants herein is conducting business in violation of Federal, State and City laws and is in violation of the Certificate of Occupancy of The Carlton (i.e., the 9th Floor is solely for residential units).

53. Defendants herein have wilfully, negligently and maliciously failed and refused to cause The Coterie to cease and desist from its nefarious activities (on the premises) and Defendants and other agents and employees continue to permit a

"Rogues Gallery" of gamblers, etc. to arrive on to the 9th Floor unannounced and unscreened and who cause commotion, curse, etc. causing "injury" to plaintiff and alarm. All causing irreparable harm to plaintiff.


54. By reason thereof plaintiff is suffering repeated irreparable injury for which he has no adequate remedy at law.

55. By reason thereof plaintiff is entitled to an Order:

- 
1. Permanently enjoining Defendants and their agents, etc. and The Coterie from continuing to conduct its "Club" and gambling enterprise, etc. at The CARLTON.
 2. A cessation of all Plaintiff's rental obligations during the pendency of this action.
 3. An Order enjoining the payment of any rent pursuant to Plaintiff's lease during the pendency of this action.
 4. An Order enjoining Defendants CARLTON, HELMSLEY, GAGNER, etc. from taking any steps to further interfere with, violate, terminate or cancel Plaintiff's lease during the pendency of this action.

WHEREFORE, Plaintiff demands judgment as follows:

1. Awarding Plaintiff on the FIRST CAUSE OF ACTION damages in the sum of \$2,000,000.
2. Awarding Plaintiff on the SECOND CAUSE OF ACTION damages in the sum of \$2,000,000.
3. Awarding Plaintiff on the THIRD CAUSE OF ACTION damages in the sum of \$2,500.00.
4. Awarding Plaintiff on the FOURTH CAUSE OF ACTION damages in the sum of \$2,500,000.
5. Awarding Plaintiff on the FIFTH CAUSE OF ACTION damages in the sum of \$3,000,000.
6. Awarding Plaintiff on the SIXTH CAUSE OF ACTION

- a. an Order permanently enjoining Defendants from conducting, leasing or operating any form of gambling club or enterprise at The Carlton House.
 - b.  an Order enjoining payments of any rents pursuant to lease and a cessation of all rents to be paid by Plaintiff to CARLTON pursuant to lease in view of the negligent misrepresentation, breach of the lease by CARLTON, constructive eviction, fraud and other misconduct perpetuated by Defendants; all during the pendency of this action.
 - c. Order enjoining CLARTON and Defendants herein from taking any steps to terminate or cancel Plaintiff's lease or to further interfere with Plaintiff's occupancy of Apartment 912 at CARLTON during the pendency of this action.
7. Awarding plaintiff all costs and disbursements of this action.
 8. Awarding Plaintiff all such other and further relief as this Court deems just and proper.

Dated: May 24, 1993
New York, New York

JAMES C. COURI, Pro Se
14 East 60th street
New York, New York

TO: ALL DEFENDANTS



C 198- Summons with Notice, Supreme Court
Prescribed by Administrative Order 1217

Supreme Court of the State of New York
County of New York

Index No. 93/113396
Plaintiff(s) Residence
New York

© 1978 BY JAMES B. BUCKNER, INC.
P.O. BOX 10013
NEW YORK, N.Y. 10001

JAMES C. COURI

County as the place of trial

The basis of the venue is
Residence of Plaintiff

Plaintiff(s)

LEONA HELMSLEY, THE HELMSLEY CARLETON HOUSE, Inc.,
HELMSLEY SPEAR, COTERIE CLUB, "JANE" GOLDSMITH,
JOHN DOES 1- _____

against

Defendant(s)

Summons with Notice
Plaintiff(s) reside(s) at
680 Madison Avenue
County of New York

To the above named Defendant(s)

You are hereby summoned

to answer the complaint in this action and to serve a copy of your answer, or, if the 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 case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated, 5/24/93

JAMES C. COURI, Pro Se

Defendant's Address:

680 Madison Avenue 60 East 42nd St.

New York, NY 10021 New York, NY 10017

Notice: The nature of this action is Fraud, Conspiracy to

Attorney(s) for Plaintiff(s)
Office and Post Office Address
14 East 60th Street
New York, NY 10022

Defraud, Breach of Contract, Negligent -
Misrepresentation, Malicious Interference,
The relief sought is / Intentional Infliction of

NEW YORK
COUNTY CLERKS OFFICE

COMPENSATORY DAMAGES, / Emotional Harm, Tort.

MAY 27 1993

PUNITIVE DAMAGES, INJUNCTION

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 5,000, 00 NOT COMPARED
WITH INTEREST FROM February 22 19 93 and the costs of this action.

WITH COPY FILED