

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

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VINCENT JAMES BONANNO and JAMES	:	
VINCENT BONANNO,	:	Index No.
	:	
Plaintiffs,	:	
	:	<u>VERIFIED COMPLAINT</u>
-against-	:	
	:	
ROBERT COX, HUDSON-WESTCHESTER	:	
RADIO, INC.,	:	
	:	
Defendants.	:	
-----X		

Plaintiffs Vincent James Bonanno (“Plaintiff James Senior”) and James Vincent Bonanno (“Plaintiff James Junior”) (collectively, “Plaintiffs”), by their attorneys, Nesenoff & Miltenberg, LLP, as and for their Complaint, allege as follows:

THE NATURE OF THE ACTION

1. This action is brought by Plaintiffs to recover, *inter alia*, damages caused by Defendants’ defamatory statements published on Defendant Robert Cox’s (“Defendant Cox’s”) Talk of the Sound webpage and broadcast to over five million listeners as part of both defendant Cox’s and Defendant Hudson-Westchester Radio Inc.’s (“Defendant Hudson’s”) Talk of the Sound radio program.

2. Specifically, Defendants engaged in a calculated smear campaign, purposefully misleading their audience into believing that Plaintiff James Senior was a corrupt public employee who was misappropriating government resources, engaging in extortion, and hiring known criminals. Defendants also accused Plaintiff James Junior of making death threats. Defendants presented these false statements as facts and “investigative reports” that they had independently confirmed and vetted.

3. These statements exposed Plaintiffs to hatred, humiliation, ridicule, contempt, aversion and a public belief that they are of morally and ethically repugnant characters. The statements also

disparaged Plaintiff James Senior in the performance of his chosen profession by falsely accusing him of corruption, and unethical hiring practices.

4. Plaintiffs are neither celebrities nor public figures. On the contrary, they are private citizens leading private lives as New Rochelle Department of Education groundskeepers. It was Defendants who thrust Plaintiffs into the public eye by way of their repeated defamatory statements. Defendants' publication of the false statements, in some instances together with Plaintiffs' names and photographs, was not journalism, but a malicious attempt to entice an audience and scandalize Plaintiffs. Plaintiffs' reputations have been damaged and they now face an unsavory opinion in the minds of their friends, family, neighbors and professional communities.

THE PARTIES

5. Plaintiffs are individuals currently residing in Westchester County, in the State of New York.

6. Upon information and belief, Defendant Hudson is a New York Corporation with its principal place of business at One Broadcast Forum, New Rochelle, New York, 10801.

7. Upon information and belief, Defendant Cox is a natural person with a place of business at 234 North Avenue, New Rochelle, New York 10801.

VENUE

8. Venue lies in Westchester County pursuant to CPLR § 503 insofar as it is the location of Defendants' principal places of business.

AS AND FOR A FIRST CAUSE OF ACTION **(Defamation against Defendant Cox)**

9. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

10. On June 23, 2011, via his "Talk of the Sound" website, Defendant Cox published an article titled "New Rochelle Schools Supervisor James Bonanno Misappropriates School District

Employees to Work on Private Home in Orange County.” (the “June 23, 2011 Article”). The June 23, 2011 Article stated that:

...each day, workers from New Rochelle would make the hour plus drive up to Orange County while clocked in as working in New Rochelle. Talk of the Sound will not publish the names of employees in cases where they ordered [sic] to engage in illegal or unethical behavior their boss to keep the focus on the supervisors who are engaged in illegal or unethical conduct.

11. Each and all of the foregoing statements, including the title of the June 23, 2011 Article, are false.

12. Defendant Cox made the foregoing statements maliciously, without due investigation, and with disregard for their falsity.

13. The June 23, 2011 Article exposes Plaintiff James Senior to hatred, contempt and aversion. It further induces an evil and unsavory opinion of him in the minds of community members.

14. As a result, Plaintiff James Senior has been damaged in an amount to be determined at trial.

AS AND FOR A SECOND CAUSE OF ACTION
(Defamation against all Defendants)

15. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

16. The next day, on June 24, 2011, Defendant Hudson broadcast its radio show, starring Defendant Cox as its host (the “Radio Show”). On Defendant Hudson’s Radio Show, Defendant Cox stated:

ground supervisor James Bonanno ordered three school district employees to report to work at a house owned by his girlfriend in Upstate New York over a period of several days as part of an ongoing renovation of the property. This is a blatant misappropriation of city resources in New Rochelle school.

The fact is that they’ve got... they’re using school district vehicles to do their little side jobs all over Westchester County, okay? ...These are facts, okay? Jimmy Bonanno...All of these guys...people who were stealing from the city. They’re stealing from the school district...

17. When asked whether he had “neglected to mention the auto parts extortion thing as well,” Defendant Cox stated “no, that was Bonanno.”

18. Defendant Cox also stated that Plaintiff James Junior was “spray painting death threats on the side of Jimmy’s boat.”

19. Defendant Cox then stated that “how you get to work under Jimmy, is that you have to show your bona fide somehow, and one good way to do it is you have a criminal record.”

20. Each and all of the foregoing statements are false.

21. Defendants made the foregoing statements maliciously, without due investigation, and with disregard for their falsity.

22. The Radio Show exposed Plaintiffs to hatred, contempt and aversion. It further induced an evil and unsavory opinion of them in the minds of community members.

23. As a result, Plaintiffs have been damaged in an amount to be determined at trial.

AS AND FOR A THIRD CAUSE OF ACTION
(Defamation against Defendant Cox)

24. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

25. On October 16, 2011, via his “Talk of the Sound” website, Defendant Cox published the statement: “Jimmy Bonanno, Jr. (Buildings & Grounds): Painted death threat against Robert Cox “Cox Sleeps with the Fishes” on the side of a boat owned by his father at the Cliff Street Yard controlled by his father James Bonanno” (the “October 16, 2011 Article”).

26. This statement is false. Plaintiff James Junior did not make any death threat against Robert Cox.

27. Defendant Cox published the October 16, 2011 Article maliciously, without due investigation, and with disregard for its falsity.

28. The October 16, 2011 Article exposed Plaintiff James Junior to hatred, contempt and aversion. It further induced an evil and unsavory opinion of him in the minds of community members.

29. As a result, Plaintiff James Junior has been damaged in an amount to be determined at trial.

AS AND FOR A FOURTH CAUSE OF ACTION
(Defamation against Defendant Cox)

30. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

31. On March 30, 2012, via his “Talk of the Sound” website, Defendant Cox published the statement: “Vincent “Jimmy” Bonanno is a buildings and grounds supervisor whose long list of corrupt practices have been documented on Talk of the Sound” (the “March 30, 2012 Article”).

32. This statement is false. Plaintiff James Senior has not engaged in any “corrupt practices”.

33. Defendant Cox published the March 30, 2012 Article maliciously, without due investigation, and with disregard for its falsity.

34. The March 30, 2012 Article exposed Plaintiff James Senior to hatred, contempt and aversion. It further induced an evil and unsavory opinion of him in the minds of community members.

35. As a result, Plaintiff James Senior has been damaged in an amount to be determined at trial.

AS AND FOR A FIFTH CAUSE OF ACTION
(Defamation against Defendant Cox)

36. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

37. On April 16, 2012, via his “Talk of the Sound” website, Defendant Cox published the statement: “Orange County Property Being Renovated at Taxpayer Expense by School District Buildings and Grounds Supervisor James Bonanno” (the “April 16, 2012 Article”).

38. This statement is false. Plaintiff James Senior did not renovate an Orange County property at taxpayer expense.

39. Defendant Cox published the April 16, 2012 Article maliciously, without due investigation, and with disregard for its falsity.

40. The April 16, 2012 Article exposed Plaintiff James Senior to hatred, contempt and aversion. It further induced an evil and unsavory opinion of him in the minds of community members.

41. As a result, Plaintiff James Senior has been damaged in an amount to be determined at trial.

AS AND FOR A SIXTH CAUSE OF ACTION
(Defamation against Defendant Cox)

42. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

43. On April 27, 2012, via his “Talk of the Sound” website, Defendant Cox published the statement:

Bonanno Foreman Misappropriates Yet Another School district Vehicle with Wink from John Gallagher: Jimmy Bonanno is untouchable. At least that is the message he is sending to the New Rochelle Board of Education. He and his crew have been involved in all manner of illegal activity and yet Bonanno laughs in their face... Bonanno and his son, “Little Jimmy” are well-known to Talk of the Sound readers regarding numerous incidents of malfeasance. By permitting Porretto to misappropriate the vehicle, Bonanno could be charged as an accessory. Just add it to a very long list.

(the “April 27, 2012 Article”).

44. This statement is false. Plaintiffs have not been involved in “all manner of illegal activity”, have not engaged in any malfeasance, and have not permitted anyone to misappropriate school district vehicles.

45. Defendant Cox published the April 27, 2012 Article maliciously, without due investigation, and with disregard for its falsity.

46. The April 27, 2012 Article exposed Plaintiffs to hatred, contempt and aversion. It further induced an evil and unsavory opinion of them in the minds of community members.

47. As a result, Plaintiffs have been damaged in an amount to be determined at trial

AS AND FOR A SEVENTH CAUSE OF ACTION
(Defamation against Defendant Cox)

48. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

49. On May 31, 2012, via his “Talk of the Sound” website, Defendant Cox published the statement: “Jimmy Bonanno, Sr. (Buildings & Grounds) misappropriated school equipment and staff, directed school district employees to perform work on his girlfriend’s house in Orange County” (the “May 31, 2012 Article”).

50. This statement is false. Plaintiff James Senior has never misappropriated school equipment or staff, and has never directed school district employees to perform work on his girlfriend’s house in Orange County.

51. Defendant Cox published the May 31, 2012 Article maliciously, without due investigation, and with disregard for its falsity.

52. The May 31, 2012 Article exposed Plaintiff James Senior to hatred, contempt and aversion. It further induced an evil and unsavory opinion of him in the minds of community members.

53. As a result, Plaintiff James Senior has been damaged in an amount to be determined at trial

WHEREFORE, Plaintiffs demand judgment as follows:

(i) on the first cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the June 23, 2011 Article on the “Talk of the Sound” website and to any other copies under his control;

(ii) on the second cause of action, as against Defendants jointly and severally, an amount to be determined at trial;

(iii) on the third cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the October 16, 2011 Article on the “Talk of the Sound” website and to any other copies under his control;

(iv) on the fourth cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the March 30, 2012 Article on the “Talk of the Sound” website and to any other copies under his control;

(v) on the fifth cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the April 16, 2012 Article on the “Talk of the Sound” website and to any other copies under his control;

(vi) on the sixth cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the April 27, 2012 Article on the “Talk of the Sound” website and to any other copies under his control;

(vii) on the seventh cause of action, as against Defendant Cox, an amount to be determined at trial, and an order that Defendant Cox disable public access to the May 31, 2012 Article on the “Talk of the Sound” website and to any other copies under his control;

(viii) attorneys’ fees as against Defendants jointly and severally, in an amount to be determined at trial; and

(ix) punitive damages as against Defendants jointly and severally, in an amount to be determined at trial.

Dated: New York, New York
June 20, 2012

NESENOFF & MILTENBERG, LLP

By:


Andrew T. Miltenberg, Esq.
Marco A. Santori, Esq.

Attorneys for Plaintiffs
363 Seventh Avenue – Fifth Floor
New York, New York 10001
212.736.4500

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, Vincent James Bonanno, being duly sworn, depose and say:

I am a Plaintiff in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matter therein stated to be alleged on information and belief, and as to those matters I believe it to be true.


Vincent James Bonanno

Sworn to before me this
20th day of June, 2012


NOTARY PUBLIC

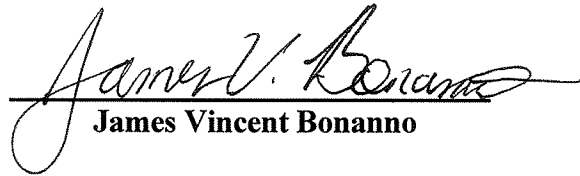
SHARI S. LASKOWITZ
Notary Public, State of New York
No. 02LA6046659
Qualified in New York County
Commission Expires August 14, 2014

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, James Vincent Bonanno, being duly sworn, depose and say:

I am a Plaintiff in the within action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matter therein stated to be alleged on information and belief, and as to those matters I believe it to be true.


James Vincent Bonanno

Sworn to before me this
20th day of June, 2012


NOTARY PUBLIC

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