

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Supreme COURT, COUNTY OF Bronx
 Index No: 307065-2011 Date Index Issued: 08/08/2011

For Court Clerk Use Only:	
AS Entry Date	8-26-11 70
Judge Assigned	DOUGLASE McKEON
RJI Date	AUG 26 2011

2011 AUG 26 PM 9:56

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

AFISSATOU DIALLO

Plaintiff(s)/Petitioner(s)

against

DOMINIQUE STRAUSS-KAHN

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

<p>MATRIMONIAL</p> <input type="radio"/> Contested <input type="radio"/> Uncontested <p>NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.</p> <p>OF</p> <input type="radio"/> Adoptions <input type="radio"/> Breast Implant <input type="radio"/> Environmental: _____ (specify) <input type="radio"/> Medical, Dental, or Podiatric Malpractice <input type="radio"/> Motor Vehicle <input type="radio"/> Products Liability: _____ (specify) <input type="radio"/> Other Negligence: _____ (specify) <input type="radio"/> Other Professional Malpractice: _____ (specify) <input type="radio"/> Other Tort: _____ (specify)	<p>COMMERCIAL</p> <input type="radio"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input type="radio"/> Contract <input type="radio"/> Insurance (where insurer is a party, except arbitration) <input type="radio"/> UCC (including sales, negotiable instruments) <input type="radio"/> Other Commercial: _____ (specify) <p>NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.</p> <p>REAL PROPERTY: How many properties does the application involve? <input type="radio"/> Condemnation <input type="radio"/> Foreclosure Property Address: _____ Street Address City State Zip <p>NOTE: For Foreclosure actions involving a one- to four-family owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.</p> <input type="radio"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input type="radio"/> Other Real Property: _____ (specify)</p>
<p>OTHER MATTERS</p> <input type="radio"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial] <input type="radio"/> Emergency Medical Treatment <input type="radio"/> Habeas Corpus <input type="radio"/> Local Court Appeal <input type="radio"/> Mechanic's Lien <input type="radio"/> Name Change <input type="radio"/> Pistol Permit Revocation Hearing <input type="radio"/> Sale or Finance of Religious/Not-for-Profit Property <input type="radio"/> Other: Battery _____ (specify)	<p>SPECIAL PROCEEDINGS</p> <input type="radio"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial] <input type="radio"/> CPLR Article 78 (Body or Officer) <input type="radio"/> Election Law <input type="radio"/> MHL Article 9.60 (Kendra's Law) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="radio"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="radio"/> MHL Article 81 (Guardianship) <input type="radio"/> Other Mental Hygiene: _____ (specify) <input type="radio"/> Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

Summons and complaint or summons w/notice been filed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	If yes, date filed: 08/08/2011
Is this action/proceeding being filed post-judgment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	If yes, judgment date: _____

RECEIVED
 AUG 26 PM 9:56
 CLERK OF COURSE
 BRONX COUNTY

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
- Notice of Motion Relief Sought: _____ Extend - Time _____ Return Date: 09/09/2011
- Notice of Petition Relief Sought: _____ Return Date: _____
- Order to Show Cause Relief Sought: _____ Return Date: _____
- Other Ex Parte Application Relief Sought: _____
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): _____

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJJ Addendum. If none, leave blank.

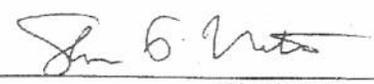
Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: If additional space is required, complete and attach the RJJ Addendum. For parties without an attorney, check "Un-Rep." box AND enter party address, phone number and e-mail address in "Attorneys" space.

Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
Diallo Last Name Nafissatou First Name Primary Role: Plaintiff Secondary Role (if any):	Thompson Last Name Kenneth First Name THOMPSON WIGDOR LLP Firm Name 85 Fifth Avenue Street Address New York City New York State 10003 Zip +1 (212) 257-6800 Phone +1 (212) 257-6845 Fax kthompson@thompsonwigdor.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	Pending review by carrier.
Diallo Last Name Nafissatou First Name Primary Role: Plaintiff Secondary Role (if any):	Wigdor Last Name Douglas First Name THOMPSON WIGDOR LLP Firm Name 85 Fifth Avenue Street Address New York City New York State 10003 Zip +1 (212) 257-6800 Phone +1 (212) 257-6845 Fax dwigdor@thompsonwigdor.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	Pending review by carrier.
Strauss-Kahn Last Name Dominique First Name Primary Role: Defendant Secondary Role (if any):	Naunton Last Name Shawn First Name ZUCKERMAN SPAEDER LLP Firm Name 1540 Broadway, Suite 1604 Street Address New York City New York State 10036 Zip +1 (212) 704-9600 Phone +1 (212) 704-4256 Fax snaunton@zuckerman.com e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	Pending review by carrier.
Last Name First Name Primary Role: Secondary Role (if any):	Last Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	

I/FIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN MADE IN THIS ACTION OR PROCEEDING.

Dated: 08/26/2011



SIGNATURE
 SHAWN P. NAUNTON
 PRINT OR TYPE NAME

3958691
 ATTORNEY REGISTRATION NUMBER

Print Form

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
NAFISSATOU DIALLO,

Plaintiff,

v.

DOMINIQUE STRAUSS-KAHN,

Defendant.
-----X

Index No. 307065/2011

AFFIDAVIT OF SERVICE

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

ELLEN STINES, being duly sworn, deposes and says:

1. I am not a party to this action and am 18 years of age or older.
2. I am an administrative assistance employed by the law firm of Zuckerman Spaeder LLP, attorneys for Defendant Dominique Strauss-Kahn in the above-referenced matter.
3. That on this 26th day of August, 2011, I caused to be served a true and accurate copy

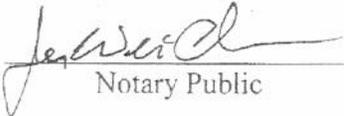
of the Request for Judicial Intervention via overnight delivery addressed to the following:

Kenneth P. Thompson
Douglas H. Wigdor
THOMPSON WIGDOR LLP
85 Fifth Avenue
New York, New York 10003
Tel: (212) 257-6800
Attorneys for Plaintiff



Ellen Stines

Sworn to before me this
26th day of August, 2011:



Notary Public

JER WEI CHEN
Notary Public, State of New York
No. 01CH6174210
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires 09/17/2011

CLERK OF THE COUNTY OF BRONX
COUNTY OF BRONX
NEW YORK
10003

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
NAFISSATOU DIALLO, :
 :
 Plaintiff, :
 :
 v. :
 :
 DOMINIQUE STRAUSS-KAHN, :
 :
 Defendant. :
 :
-----X

Index No. 307065/2011

REQUEST FOR JUDICIAL INTERVENTION

Shawn P. Naunton
ZUCKERMAN SPAEDER LLP
1540 Broadway
Suite 1604
New York, New York 10036
Tel: (212) 704-9600
Fax: (212) 704-4256

Dated: August 26, 2011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
NAFISSATOU DIALLO,

Plaintiff,

v.

DOMINIQUE STRAUSS-KAHN,

Defendant.
-----X

: Index No. 307065/2011

DOUGLAS E. McKEON

AUG 26 2011

: NOTICE OF MOTION
: TO EXTEND TIME
: TO RESPOND
: TO COMPLAINT

: Return Date: September 9, 2011

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Shawn P.

Naunton in Support of the Motion To Extend Time to Respond to the Complaint, and upon all prior pleadings had herein, Defendant Dominique Strauss-Kahn will move this Court at the Motion Support Office, Room 217, of the Supreme Court of the State of New York, County of Bronx, 851 Grand Concourse, Bronx, New York, on the 9th day of September 2011, at 9:30 in the forenoon, or as soon thereafter as counsel may be heard, for an Order pursuant to CPLR § 3012(d) extending the time for Mr. Strauss-Kahn to respond to the Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 2214(b), answering papers, if any, shall be served on the undersigned counsel at least seven (7) days prior to the return date of this motion.

Dated: New York, New York
August 26, 2011

ZUCKERMAN SPAEDER LLP

By: Shawn P. Naunton
Shawn P. Naunton
1540 Broadway, Suite 1600
New York, NY 10036
Telephone: (212) 704-9600
Fax: (212) 704-4256
E-mail: snaunton@zuckerman.com

COUNTY CLERK
BRONX COUNTY

11 AUG 26 PM 3:35

RECEIVED

*Attorneys for Defendant
Dominique Strauss-Kahn*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
NAFISSATOU DIALLO,

Plaintiff.

v.

DOMINIQUE STRAUSS-KAHN,

Defendant.
-----X

: Index No. 307065/2011

:
: **NOTICE OF MOTION**
: **TO EXTEND TIME**
: **TO RESPOND**
: **TO COMPLAINT**

: Return Date: September 9, 2011

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Shawn P.

Naunton in Support of the Motion To Extend Time to Respond to the Complaint, and upon all prior pleadings had herein, Defendant Dominique Strauss-Kahn will move this Court at the Motion Support Office, Room 217, of the Supreme Court of the State of New York, County of Bronx, 851 Grand Concourse, Bronx, New York, on the 9th day of September 2011, at 9:30 in the forenoon, or as soon thereafter as counsel may be heard, for an Order pursuant to CPLR § 3012(d) extending the time for Mr. Strauss-Kahn to respond to the Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 2214(b), answering papers, if any, shall be served on the undersigned counsel at least seven (7) days prior to the return date of this motion.

Dated: New York, New York
August 26, 2011

ZUCKERMAN SPAEDER LLP

By: 
Shawn P. Naunton
1540 Broadway, Suite 1604
New York, NY 10036
Telephone: (212) 704-9600
Fax: (212) 704-4256
E-mail: snaunton@zuckerman.com

*Attorneys for Defendant
Dominique Strauss-Kahn*

26-11

th

RECEIVED
BRONX COUNTY CLERK'S OFFICE

AUG 26 2011

AUG 26 2011 9:55

PAID

NO FEE

TO: Kenneth P. Thompson
Douglas H. Wigdor
THOMPSON WIGDOR LLP
85 Fifth Avenue
New York, New York 10003
Tel: (212) 257-6800

Attorneys for Plaintiff

6. From May 19, 2011, until August 23, 2011, Mr. Strauss-Kahn was under criminal indictment before the Supreme Court of the State of New York, County of New York, facing charges based on allegations similar to those alleged in the civil complaint against him in this action. A copy of the indictment is attached hereto as Exhibit B.

7. On August 22, 2011, the Manhattan District Attorney's Office moved to dismiss the indictment against Mr. Strauss-Kahn and filed a Recommendation for Dismissal with the Supreme Court of the State of New York, County of New York. A copy of the Recommendation for Dismissal is attached hereto as Exhibit C.

8. On August 23, 2011, the Honorable Michael J. Obus of the Supreme Court of the State of New York, County of New York, entered an Order dismissing the indictment.

10. On August 25, 2011, Plaintiff noticed an appeal to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, of a second Order entered by Judge Obus on August 23, 2011, denying Plaintiff's motion to disqualify the Manhattan District Attorney's Office from the criminal prosecution of Mr. Strauss-Kahn and to appoint a special prosecutor to prosecute the case.

11. Prior to dismissal of the indictment on August 23, 2011, the efforts of counsel for Mr. Strauss-Kahn were devoted primarily to defense of the criminal charges against him. Indeed, had Judge Obus not dismissed the indictment prior to August 29, 2011, Mr. Strauss-Kahn, through counsel, likely would have sought a stay of this action.

12. As a result of the now-dismissed criminal case, counsel for Mr. Strauss-Kahn requires additional time to respond to the civil complaint against him in this action, and respectfully requests a four-week extension of time to respond to the complaint, until September

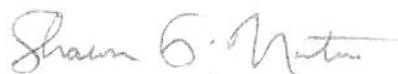
16. 2011. At this time, counsel is considering filing a motion to dismiss the complaint in its entirety. The additional time is requested in order to research and write such motion.

12. Counsel for Mr. Strauss-Kahn has not previously requested an extension of time to respond to the complaint, and the extension requested herein will not prejudice Plaintiff in any way.

13. On August 25, 2011, counsel for Mr. Strauss-Kahn contacted Plaintiff's counsel, Kenneth P. Thompson, to inquire if Plaintiff would consent to the relief requested by Mr. Strauss-Kahn herein. As of the date of this affirmation, counsel for Mr. Strauss-Kahn has not received a response from Mr. Thompson.

WHEREFORE, the undersigned respectfully prays for an Order, pursuant to C.P.L.R. § 3012(d), extending the time within which Defendant Dominique Strauss-Kahn must respond to the complaint in this action from August 29, 2011, until September 26, 2011.

Dated: New York, New York
August 26, 2011



Shawn P. Naunton
Zuckerman Spaeder LLP
1540 Broadway, Suite 1604
New York, NY 10036-4039
Tel.: (212) 704-9600
Fax: (212) 704-4256
snaunton@zuckerman.com

*Attorney for Defendant
Dominique Strauss-Kahn*

EXHIBIT A

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF BRONX

-----X
NAFISSATOU DIALLO,

Plaintiff,

v.

DOMINIQUE STRAUSS-KAHN,

Defendant.
-----X

Index No.:

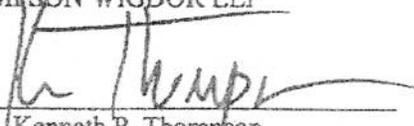
SUMMONS

To the above named Defendant:

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 Plaintiffs' attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is 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 in the complaint.

Dated: August 8, 2011
New York, New York

THOMPSON WIGDOR LLP

By: 

Kenneth P. Thompson
Douglas H. Wigdor

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845

Counsel for Plaintiff

AUG 9 PM 4:09
CLERK
COUNTY
CLERK
COUNTY

RECEIVED

professional and personal reputations, and severe mental anguish and emotional distress, from which she may never fully recover.

PRELIMINARY STATEMENT

3. On Saturday, May 14, 2011, in the Presidential Suite at the Sofitel in Room 2806, Defendant Strauss-Kahn, the former Managing Director of the International Monetary Fund ("IMF") and a man who had aspirations to become the next President of France, violently attacked and sexually assaulted an innocent hardworking immigrant woman from Africa whom he had never met before and who had entered his hotel room merely to do her job and clean it, like she had cleaned other hotel rooms at the Sofitel that day.

4. As Defendant Strauss-Kahn sexually assaulted Ms. Diallo, he inflicted physical injuries on her. Specifically, he injured her shoulder and bruised her vagina. Defendant Strauss-Kahn also tore Ms. Diallo's pantyhose as he pulled them down during the assault. Moreover, in an act of sheer depravity, Defendant Strauss-Kahn completely humiliated and degraded Ms. Diallo by forcing Ms. Diallo to her knees at the end of a corridor and outside of a bathroom in the back of the hotel suite, violently grabbing the back of her head with his hands and shoving and thrusting his penis back and forth into her mouth against her will until he ejaculated.

5. Ms. Diallo immediately spit out Defendant Strauss-Kahn's semen from her mouth onto the carpet and fled Room 2806. Thereafter she complained about the attack to her supervisor and other hotel employees, including several members of the security department at the Sofitel. Consistent with being a victim of a sexual crime, these other hotel employees who saw and spoke with Ms. Diallo following the sexual assault

observed that she was shaking, kept spitting, repeatedly made gestures as if she wanted to throw up and/or was emotionally distraught. They also believed that she had been sexually assaulted inside of Room 2806.

6. Acting like a common criminal and knowing that he had just committed a horrendous crime, Defendant Strauss-Kahn immediately fled the Sofitel and jumped into a cab before he could be detained by security.

7. Like many victims of rape or sexual assault, it was not easy for Ms. Diallo to let others know that she had been violated and sexually assaulted all while she was simply trying to do her job and clean a hotel room that she had been assigned to clean. However, she did muster up the courage to tell others about how Defendant Strauss-Kahn had sexually attacked her in Room 2806, including the police and prosecutors.

8. Afterwards, Ms. Diallo's sexual assault captured worldwide attention because of Defendant Strauss-Kahn's stature, influence and power throughout the world. As a result, the high-profile nature of this case has brought an enormous amount of unwanted attention to Ms. Diallo and her young daughter, whose lives have been thrown into complete disarray because of Ms. Diallo's courageous decision to report the violent attack that Mr. Strauss-Kahn committed against her.

9. Sadly, following Ms. Diallo's decision to stand up for her rights, there have been leaks to the news media of false information about Ms. Diallo, apparently by members of the Manhattan District Attorney's Office, that have severely damaged Ms. Diallo's credibility, reputation and character. As a result of these repeated leaks, some people now believe, albeit incorrectly, that Ms. Diallo made up the sexual assault in order to shake down Defendant Strauss-Kahn for money, which has caused Ms. Diallo to be

vilified in news accounts here in New York and around the world and called a "professional con artist" by a law enforcement official, a "scam artist," a "pathological liar," the "disgraced . . . maid" and someone who had hatched "a plan to entrap a rich guy."

10. To make matters worse, after Ms. Diallo was sexually assaulted by Defendant Strauss-Kahn, the New York Post, a Rupert Murdoch-owned tabloid, assaulted her reputation by running a series of purported articles that falsely stated that she is a "prostitute" and "the infamous Sofitel maid/hooker" and was "turning tricks" while in the protective custody of prosecutors. Defendant Strauss-Kahn's attack on Ms. Diallo and the defamatory news articles about her that were published in the New York Post, that were no doubt instigated by Strauss-Kahn's defense team, have subjected Ms. Diallo to public humiliation, shame, scorn and disdain throughout the world and caused great pain in her family.

11. Ms Diallo, however, refuses to be cowered into silence by Defendant Strauss-Kahn, his multitude of criminal defense lawyers, investigators, public relations experts and powerful friends who have smeared Ms. Diallo's character by, among other things, falsely claiming that the violent sex acts Defendant Strauss-Kahn committed against her were consensual, as well as by some members of the media who have further denigrated her character and even called her a prostitute.

12. Ms. Diallo now brings this lawsuit to vindicate her rights, to assert her dignity as a woman, to hold Dominique Strauss-Kahn accountable for the violent and deplorable acts that he committed against her in Room 2806, to teach her young daughter that no man regardless of how much money, power and influence he has should ever

be allowed to violate her body, and to stand up for all women who have been raped, sexually assaulted and/or abused throughout the world but who are too afraid to speak out.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over Defendant Strauss-Kahn pursuant to Civil Practice Law and Rules ("CPLR") §302(a)(2) because he committed tortuous acts giving rise to this action against Plaintiff in New York.

14. Venue is proper in this county pursuant to CPLR § 503 because Plaintiff is a resident of Bronx County.

PARTIES

15. Plaintiff Nafissatou Diallo, a female resident of the Bronx, New York, is a hardworking immigrant from Africa and a single parent who is raising her young daughter by herself and who has worked as a Housekeeper at the Sofitel for years without incident – until she was violently attacked and sexually assaulted by Defendant Strauss-Kahn on May 14, 2011.

16. Defendant Dominique Strauss-Kahn is a citizen of France and has homes in Washington, D.C., Paris and Morocco and who currently resides at 153 Franklin Street, New York, New York. On the day that he sexually assaulted Ms. Diallo, he was the Managing Director of the IMF. Defendant Strauss-Kahn had also served as Minister of Economics, Finance and Industry in France, which made him one of the most powerful and influential government officials in that country. In the days leading up to his sexual assault of Ms. Diallo, Defendant Strauss-Kahn was considered by some to become the next President of France.

FACTUAL ALLEGATIONS

17. On Saturday, May 14, 2011, Ms. Diallo began her shift at the Sofitel like any other day. She was assigned to clean a number of hotel rooms, including Room 2806, which Defendant Strauss-Kahn was scheduled to check out of that day, and she began to clean those rooms.

18. Room 2806 -- where Defendant Strauss-Kahn attacked Ms. Diallo -- is a spacious and luxurious hotel suite and contains a bedroom, a living room, an office, multiple bathrooms and corridor that leads from the front of the suite to the back of it. Hotel guests pay up to \$3,000 per night to stay in that room yet Defendant Strauss-Kahn was charged only \$560 for that room by the Sofitel.

A. Defendant Strauss-Kahn's Violent Attack and Attempted Rape of Ms. Diallo

19. Before Ms. Diallo went into Room 2806 on the day of the attack, she believed, based on what one of her colleagues told her, that no one was in the hotel room and that the prior guest had checked out.

20. However, after she walked into the room to ensure that it was vacant and that the guest had indeed checked out, Defendant Strauss-Kahn suddenly appeared -- stark naked from head to toe -- and charged at Ms. Diallo, who was startled that anyone was in the room and tried to leave. Defendant Strauss-Kahn, however, began to sexually attack Ms. Diallo, and he grabbed her breasts against her will and closed the door of the hotel room completely to prevent Ms. Diallo from being able to get out of the room. He also made certain comments to Ms. Diallo and pushed her into a bedroom, where he attempted to forcibly make Ms. Diallo perform oral sex on him by trying to put his penis into her mouth against her will.

21. Ms. Diallo struggled to get out of that hotel room and free herself of Defendant Strauss-Kahn and pleaded with him to stop. Undeterred by her refusal to comply, Defendant Strauss-Kahn continued to use physical force against Ms. Diallo, blocked her from being able to get out of the room and pushed her down the corridor towards the back of the suite and away from the door that led out into the hallway.

22. Defendant Strauss-Kahn also pulled up Ms. Diallo's dress, which was part of her Housekeeper uniform, forcefully pulled down her pantyhose causing it to tear and grabbed her vagina with so much force that he hurt Ms. Diallo as he sexually assaulted her. In fact, for several days after his sexual assault upon her, Ms. Diallo felt pain in her vagina whenever she urinated.

23. During his attack on Ms. Diallo, Defendant Strauss-Kahn also used so much force against Ms. Diallo that he caused a tear to her shoulder.

24. With violence and depravity in his heart, and having the confidence of sexually assaulting other women in the past who did not immediately come forward, Defendant Strauss-Kahn forced Ms. Diallo all the way to the back of the suite and down on her knees outside of a bathroom at the end of the corridor.

25. In that remote part of the hotel suite, Defendant Strauss-Kahn violently grabbed the back of Ms. Diallo's head, shoved his penis into her mouth against her will and then forcibly held the back of her head with his hands as he thrust his penis back and forth in her mouth, demanded "Suck my dick" and moaned until he ejaculated inside her mouth.

26. After Defendant Strauss-Kahn finished violating, humiliating and degrading Ms. Diallo, he finally released her head, which allowed Ms. Diallo to spit out his semen onto the carpet, get to her feet and flee the room.

27. Shortly after Ms. Diallo was able to get out of the room, she reported the sexual assault to Housekeeping supervisors, hotel security staff, and later to detectives with the New York City Police Department ("NYPD"). Contrary to some reports, at no point and time did Ms. Diallo go back and clean either Room 2820 – as she had already cleaned Room 2820 prior to the sexual assault committed by Strauss-Kahn – or any other hotel room.

B. Defendant Strauss-Kahn Fled the Sofitel

28. Knowing that he had just sexually assaulted Ms. Diallo, Defendant Strauss-Kahn got dressed quickly, leaving behind traces of his semen, as well as bloody tissues, and fled the hotel like a common criminal. In his haste to flee the scene of a crime, he rushed out of the hotel with toothpaste smeared on the outside of his mouth and was looking over his shoulders. Defendant Strauss-Kahn then jumped in a cab with his luggage and departed the scene before he could be apprehended.

29. After Defendant Strauss-Kahn got into a cab, he appeared agitated and nervous and met his daughter for a short lunch that he hoped would provide him some sort of alibi. On his way to the airport, after believing that he misplaced his IMF issued cell phone in his frantic rush to flee the scene of a crime, he called his wife Anne Sinclair in France and said in substance, "I have a serious problem in New York." This statement by Defendant Strauss-Kahn was an acknowledgment of his consciousness of guilt.

30. Hours later after he had boarded an Air France flight to Paris at John F. Kennedy International Airport and was waiting for take off. Defendant Strauss-Kahn, according to a report in a French magazine, disrespected a female flight attendant by uttering a lewd statement in French, "Quel beau cul!," which in substance in English means "What a beautiful ass," and did so apparently loud enough for other passengers on the plane to hear. Apparently, this was not the first time Mr. Strauss-Kahn disrespected a female Air France employee while on board a plane and/or in a VIP airport lounge.

C. Ms. Diallo's Was Taken To The Hospital To Be Treated and Examined

31. Meanwhile, following the attack and shortly after being interviewed by the NYPD at the Sofitel, Ms. Diallo was taken to a local hospital in an ambulance to be treated and examined. According to hospital records, Ms. Diallo told EMS workers that she was sexually assaulted by the occupant of a hotel room, who "pushed her down and stuck his penis in her mouth." Ms. Diallo also complained to EMS about pain in her shoulder.

32. While at the hospital, Ms. Diallo told doctors and nurses that prior to the attack, she went into a hotel room at the Sofitel to clean it and that a naked man with "white hair" sexually assaulted her. She did not know that Defendant Strauss-Kahn was the head of the IMF or was likely going to be a leading candidate for the Presidency of France, which accounts for the description that she gave of him at the hospital.

33. Ms. Diallo also told the medical staff that her attacker "forced oral sex" on her and "penetrated her mouth with his penis" deep by holding her by the hair and forcing her head onto his penis.

34. Ms. Diallo further stated to the doctors and nurses that as Defendant Strauss-Kahn was making her perform oral sex on him, she felt "something wet and sour" come into her mouth and that she "spit it out onto the carpet" of the hotel room.

35. At the hospital, Ms. Diallo was given a sexual assault forensic examination. During that physical examination, the doctors and nurses noted that she was "tearful" as she described the sexual assault and "paused while describing acts of fellatio." They also noted "redness" on Ms. Diallo's vagina, which was caused by Defendant Strauss-Kahn when he violently grabbed her vagina as he attacked her. To document the "redness," the doctors and nurses took pictures of Ms. Diallo's vaginal area, apparently to preserve evidence of her sexual assault.

36. The acts of violence and sexual depravity that Defendant Strauss-Kahn committed against Ms. Diallo has caused, and continues to cause, Ms. Diallo to suffer great emotional distress, humiliation, depression and physical pain and suffering. They have also left Ms. Diallo's life and her young daughter's life in shambles.

D. Other Reported Victims of Defendant Strauss-Kahn

37. Apparently, Ms. Diallo has not been the only victim of Defendant Strauss-Kahn. At trial, Ms. Diallo will introduce other crimes, wrong or acts to demonstrate Defendant Strauss-Kahn's motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident. These individuals include, but are not limited to other women: (i) who were sexually attacked by Defendant Strauss-Kahn in hotel rooms around the world; (ii) who were sexually assaulted in apartment/flats used by Defendant Strauss-Kahn for the purpose of covering up his crimes; (iii) who worked with Defendant Strauss-Kahn and who were coerced to comply with his sexual demands

because of his position of power; and/or (iv) who were going about their normal day to day job but who were confronted by Defendant Strauss-Kahn's objectification of women and to whom he made inappropriate sexual remarks and attempts to coerce them to perform sexual acts with him.

AS AND FOR A FIRST CAUSE OF ACTION

(Battery)

38. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.

39. Defendant's violent and sex acts committed against Plaintiff, including his sexual assault of Plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person, all of which were done intentionally by Defendant without Plaintiff's consent.

40. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

41. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and will now be obligated to expend sums of money 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. She was unable, and continues to be unable for some time to come, to pursue her usual activities and employment, all due to her physical, psychological, and emotional injuries and damage.

AS AND FOR A SECOND CAUSE OF ACTION

(Assault)

42. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.

43. Defendant's violent and sex acts committed against Plaintiff, including his sexual assault of Plaintiff, amounted to a series of events creating a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person, all of which were done intentionally by Defendant and without Plaintiff's consent.

44. As a direct and proximate result of the aforementioned assaults, Plaintiff has sustained in the past, and will sustain in the future, physical injury, pain and suffering, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

45. As a direct and proximate result of the aforementioned assaults, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering. She was unable, and continues to be unable for some time to come, to pursue her usual activities and employment, all due to her physical, psychological, and emotional injuries and damage.

AS AND FOR A THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

46. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.

47. Defendant engaged in conduct toward Plaintiff that is extreme and outrageous so as to exceed the bounds of decency in a civilized society, namely, he violently sexually attacked an innocent woman whom he did not know and who entered his hotel room to clean it as part of her job.

48. By his actions and conduct, Defendant intended to and did intentionally or recklessly cause Plaintiff to suffer severe emotional distress.

49. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered, and continues to suffer, severe emotional distress, for which she is entitled to an award of damages.

50. Defendant's extreme and outrageous conduct was knowing, malicious, willful and wanton, entitling Plaintiff to an award of punitive damages.

AS AND FOR A FOURTH CAUSE OF ACTION

(False Imprisonment)

51. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.

52. Defendant committed the aforementioned actions, and thereby confined Plaintiff without consent or privilege.

53. The aforementioned confinement was without probable cause or privilege.

54. Defendant confined Plaintiff for the purpose of attempting to sexually assault her.

55. Defendant confined Plaintiff to Room 2806 at the Sofitel which constituted a bounded or closed area.

56. Plaintiff did not have a reasonable means of escape based on Defendant's conduct and the aforementioned circumstances.

57. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has sustained in the past, and will sustain in the future, physical injury, serious psychological and emotional distress, mental anguish, embarrassment and humiliation.

58. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering. She was unable, and continues to be unable for some time to come, to pursue her usual activities and employment, all due to her physical, psychological, and emotional injuries and damage.

AS AND FOR A FIFTH CAUSE OF ACTION

(Prima Facie Tort)

59. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs.

60. Defendant intentionally committed the aforementioned actions against Plaintiff.

61. Defendant intended that the aforementioned actions would cause Plaintiff physical and psychological harm.

62. Defendant's aforementioned actions committed against Plaintiff have caused, and continue to cause, Plaintiff physical injuries, pain and suffering, humiliation, depression and emotional distress.

63. Defendant's conduct was unlawful and not justifiable under all of the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendant, containing the following relief:

- A. A declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the State of New York;
- B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm; for harm to her professional and personal reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including, but not limited to, compensation for mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiff; and that by reason of the foregoing, Plaintiff sustained damages in a sum, pursuant to CPLR § 3017, which exceeds the jurisdictional limits of all lower courts and exceeds the minimum necessary for diversity jurisdiction in all Federal Courts which would otherwise have jurisdiction.
- D. An award of punitive damages;
- E. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- F. Such other and further relief as the Court may deem just and proper.

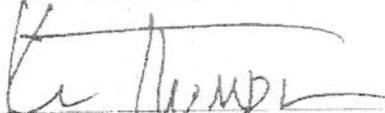
JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York
August 8, 2011

Respectfully submitted,

THOMPSON WIGDOR LLP

By: 
Kenneth P. Thompson
Douglas H. Wigdor

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845

Counsel for Plaintiff Nafissatou Diallo .

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DOMINIQUE STRAUSS-KAHN,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant of the crime of **CRIMINAL SEXUAL ACT IN THE FIRST DEGREE**, in violation of Penal Law §130.50(1), committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, engaged in oral sexual conduct with an individual known to the Grand Jury, to wit, contact between defendant's penis and the mouth of an individual known to the Grand Jury, by forcible compulsion.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **CRIMINAL SEXUAL ACT IN THE FIRST DEGREE**, in violation of Penal Law §130.50(1), committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, engaged in oral sexual conduct with an individual known to the Grand Jury, to wit, contact between defendant's penis and the mouth of an individual known to the Grand Jury, by forcible compulsion.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **AN ATTEMPT TO COMMIT THE CRIME OF RAPE IN THE FIRST DEGREE**, in violation of Penal Law §§110/130.35(1), committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, attempted to engage in sexual intercourse with an individual known to the Grand Jury, by forcible compulsion.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **SEXUAL ABUSE IN THE FIRST DEGREE**, in violation of Penal Law §130.65(1), committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, subjected an individual known to the Grand Jury to sexual contact, by forcible compulsion.

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **UNLAWFUL IMPRISONMENT IN THE SECOND DEGREE**, in violation of Penal Law §135.05, committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, restrained an individual known to the Grand Jury.

SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **SEXUAL ABUSE IN THE THIRD DEGREE**, in violation of Penal Law §130.55, committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, subjected an individual known to the Grand Jury to sexual contact, without said individual's consent.

SEVENTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **FORCIBLE TOUCHING**, in violation of Penal Law §130.52, committed as follows:

The defendant, in the County of New York, on or about May 14, 2011, intentionally, and for no legitimate purpose, forcibly touched the sexual and other intimate parts of an individual known to the Grand Jury, for the purpose of degrading and abusing said individual and for the purpose of gratifying the defendant's sexual desire.

CYRUS R. VANCE, JR.
District Attorney

Filed:

WAIVED

2011NY035773

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DOMINIQUE STRAUSS-KAHN.

Defendant.

INDICTMENT

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, P.L. §130.50(1), 2 Cts
AN ATTEMPT TO COMMIT THE CRIME OF RAPE IN THE FIRST DEGREE, P.L. §§110/130.35(1)
SEXUAL ABUSE IN THE FIRST DEGREE, P.L. §130.65(1)
UNLAWFUL IMPRISONMENT IN THE SECOND DEGREE, P.L. §135.05
SEXUAL ABUSE IN THE THIRD DEGREE, P.L. §130.55
FORCIBLE TOUCHING, P.L. §130.52

CYRUS R. VANCE, JR., District Attorney

A True Bill

John (Artie) McConnell
Trial Bureau 50

Foreman

ADJOURNED TO PART F ON 5/20/2011