

FILED

Sep 10 - 2025

John M. Domurad, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Civil Action No.

ETHAN D. SMITH, and
JENNIFER L. DEES,

Plaintiffs,

Case no. 1:25-cv-1265 (ECC/PJE)

-against-

MAE D'AGOSTINO; TINA C. VERSACI; JOSEPH F. BIANCO; WILLIAM J. NARDINI;
CATHERINE O'HAGAN WOLFE; LETITIA JAMES; JENNIFER CORCORAN; BEEZLEY
KIERNAN; KAREN HEGGEN; EMILY WILLIAMS; MARY PAT DONNELLY; PAUL
PELAGALLI; VINCENT VERSACI; JEFFREY WAIT; ROBERT RYBAK; JAMES DOERN;
ADAM SILVERMAN; ZAINAB CHAUDHRY; LISA FISHER; CHRISTINE CLARK;
ELIZABETH GARRY; MICHAEL LYNCH; JOHN EGAN; EDDIE McSHAN; MOLLY
FITZGERALD; SHARON AARONS; ROBERT MAYBERGER; ROWAN D. WILSON;
JAMES P. MURPHY; JOSEPH A. ZAYAS; RICHARD SISE; KRIS SINGH; DENNIS
BRUCE; HEATHER COREY-MONGUE; JESSICA VINSON; VELLA CARBONE &
VINSON, LLC; DENISE RESTA-TOBIN; CARL D. BIRMAN; AARON CARBONE;
LORRAINE SILVERMAN; JOHN KRAIGENOW; MICHAEL ZURLO; JEFFREY BROWN;
ELAINE RUDZINSKI; MICHAEL GUADAGNINO; STEVEN JAMES; CHRIS GILROY;
AMANDA NISSEN; BRANDON CALHOUN; DANIEL SKIBA; JAY GRAVELLE; DEMIA
HARRIS-MADDEN; MICHAEL P. MCMAHON; TONYA BONIFACE; EMILY
STEINBACH; DENISE MONGILLO; AMY W. COHEN; STEVE BONIFACE; KEVIN
HITCHCOCK; EAST GREENBUSH CENTRAL SCHOOL DISTRICT; JEFF SIMONS; ROY
STILES; JAMES MCHUGH; KURTIS KOTES; QUESTAR III BOCES; JACOB
VERCHEREAU; JENNIE MUELLER; TIM HONSINGER; GEORGE CONWAY; PHILIP
BARRETT; CRAIG HAYNER; DAWN PHILLIPS; STEVE MCLAUGHLIN; CARL KEMPF;
KELLEY CRAMER; JACK CONWAY; LARRY ELMAN; ROBERT MCCARTY;
SARATOGA COUNTY; RENSSELAER COUNTY; TOWN OF EAST GREENBUSH;
WARREN COUNTY; TOWN OF CLIFTON PARK; SMILE LODGE; JULIA GROSS; JULIA
GROSS FAMILY HEALTH PLLC; VERONICA SMITH; STEVE BLAIR; JAMES BENNETT;
SHARON BENNETT; SUSAN WARZEK; U.S. BUDOKAI; JANE DOES; JOHN DOES;

Defendants.

COMPLAINT

(42 U.S.C. §§ 1983, 1985, 1986.

**Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961–1968;
Request for Injunctive Relief and Temporary Restraining Order)**

COMES NOW the Plaintiffs, Ethan D. Smith and Jennifer L. Dees, appearing pro se, and
for their Complaint against the above-named Defendants, hereby state and allege as follows:

NATURE OF THE CASE

This action exposes a racketeering enterprise spanning more than five years, systematically orchestrating corruption, retaliation, and obstruction across state and federal courts. What began as judicial misconduct in a matrimonial proceeding has metastasized into a conspiracy involving judges, attorneys, court administrators, schools, and law enforcement, fortified by marital and professional ties that entrench conflicts of interest. At its core are unlawful attorney appointments and void judicial orders, enforced by a network of at least four married couples—state judges, bar administrators, OCFS, clerks, and attorneys—creating a closed system where fraud is legitimized, retaliation is routine, and justice is for sale in a pay-to-play scheme.

The danger is immediate and escalating. On September 2–3, 2025, Plaintiff Smith’s minor child was abducted twice—once from her school and once from a police station. In both incidents, the enterprise actors acted in open defiance of standing court orders: school officials released the child contrary to the custody framework, and police facilitated custodial interference in direct violation of judicial directives. These were not isolated lapses—they were coordinated acts, executed in concert with Defendant Resta-Tobin and Veronica Smith, to override lawful court orders and entrench the enterprise’s control.

On September 4, 2025, after these abductions, Family Court Judge Wait, acting without jurisdiction, issued void protection orders: stripping Smith of parenting rights and unlawfully restraining Plaintiff Dees, who was not even a party to the proceedings. This ruling was not grounded in law but was a retaliatory measure, designed to punish Plaintiffs for exposing the enterprise and to shield its actors from accountability.

Every attempt Plaintiffs have made to challenge misconduct—through motions, appeals, and federal filings—has triggered further retaliation. Since Defendants were formally placed on notice of this RICO action, and since notice was filed into the federal docket, retaliation has escalated: abductions, stalking, assaults, and financial destruction exceeding \$500,000.

This mirrors other national tragedies where custody conspiracies spiraled into violence and murder (e.g., Dan Markel, John Mast, Veronica Butler). Plaintiffs face the same tactics: fabricated allegations, fraudulent protection orders, and coordinated retaliation by attorneys, in-laws, police, and complicit judges—all driven by a pay-to-play racket that siphons public funds while destroying families.

Over ten TROs and injunctions across state and federal courts have been denied—not on the merits, but through conflicts of interest and personal connections shielding Defendants. The enterprise has weaponized courts, police, schools, and bar associations to obstruct justice and preserve its financial pipeline. The forthcoming RICO Statement will detail how 18-B assignments and AFC appointments have been corrupted into tools of profit and retaliation.

With state forums captured and federal judges thus far complicit, only immediate federal intervention can halt this conspiracy and prevent further abductions and irreparable harm.

JURISDICTION

This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343, as this action arises under federal law, including 42 U.S.C. §§ 1983, 1985, 1986, 12132, 12203, 29 U.S.C. § 794, and RICO, 18 U.S.C. §§ 1961–1968. Supplemental jurisdiction over state law claims for intentional infliction of emotional distress, fraud, conversion, abuse of process (N.Y. CPLR §§ 213(8), 214(3), 215(3)), and negligence per se (N.Y. Soc. Serv. Law §§ 412–416, N.Y. Educ. Law §§ 3201–3234, N.Y. Exec. Law § 378) is proper under 28 U.S.C. § 1367, as they

arise from the same case or controversy. Venue is proper under 28 U.S.C. § 1391(b), as a substantial part of the events occurred in this District, and most Defendants reside or conduct official business here. This action names federal judicial officers and administrators (D'Agostino, Nardini, Bianco, O'Hagan Wolfe) raising disqualification issues under 28 U.S.C. § 455 due to conflicts of interest. Plaintiffs reserve the right to seek transfer or reassignment to a neutral tribunal, including outside the Second Circuit, to ensure impartial adjudication.

PARTIES

1. Ethan D. Smith, Saratoga County, NY, resident, estranged husband of Veronica Smith, party to Smith v. Smith (Index Nos. 2020-1227, 2025-2068)
2. Jennifer L. Dees, Saratoga County, NY, resident, targeted by the enterprise.

Federal Defendants (Personal Capacities)

- 3-7. Mae A. D'Agostino, Joseph F. Bianco, William J. Nardini (NDNY/Second Circuit Judges), Catherine O'Hagan Wolfe (Second Circuit Clerk), Tina Versaci (NDNY Bar Program Director- Non-Profit) obstructed federal remedies. No immunity.

Prosecutorial Defendants (Personal Capacities)

- 8-14. Letitia James, Jennifer Corcoran, Beezley Kiernan (N.Y. AG), Karen Heggen (ex-Saratoga DA), Emily Williams (Saratoga DA), Mary Pat Donnelly (Rensselaer DA), Robert McCarty (Warren DA) suppressed charges, retaliated. No immunity.

State Judicial Defendants (Personal Capacities)

- 15-34. Paul Pelagalli, Vincent Versaci, Jeffrey Wait, Robert Rybak, James Doern, Adam Silverman, Zainab A. Chaudhry, Lisa Fisher, Christine Clark, Elizabeth Garry, Michael

Lynch, John Egan, Eddie McShan, Molly Fitzgerald, Sharon Aarons, Rowan D. Wilson, James P. Murphy, Joseph A. Zayas, Richard E. Sise, Kris Singh, issued void orders, ratified fraud, denied ADA access. No immunity.

State Court Clerks (Personal Capacities)

35-37. Robert Mayberger, Craig Hayner, Dennis Bruce manipulated records. No immunity.

Attorney Defendants (Personal Capacities)

38-45. Heather Corey-Mongue, Jessica Vinson, Denise Resta-Tobin, Carl Birman, Aaron Carbone, Lorraine Silverman, John Kraigenow, Vella Carbone & Vinson, LLP filed fraudulent documents, took illegal payments. No immunity.

Law Enforcement Defendants (Personal Capacities)

46-55 Michael Zurlo, Jeffrey Brown, Elaine Rudzinski, Michael Guadagnino, Steven G. James, Chris Gilroy, Daniel Skiba, Brandon M. Calhoun, Jay Gravelle, Jr., Amanda Nissen facilitated abductions, ignored crimes. No immunity.

CPS/OCFS Defendants (Personal Capacities)

56-61. DaMia Harris-Madden, Michael P. McMahon, Tonya Boniface, Emily Steinbach, Denise Mongillo, Amy W. Cohen falsified findings, retaliated. No immunity.

School/BOCES Defendants

62-70. East Greenbush CSD, Questar III BOCES, Jeff Simons, Roy Stiles, Kurtis Kotes, James McHugh, Jacob Verchereau, Jennie Mueller, Tim Honsinger suppressed records, aided abductions. No immunity for individuals.

Municipal Defendants

71-85. Saratoga County, Rensselaer County, Warren County, Town of East Greenbush, Town of Clifton Park, George P. Conway, Philip C. Barrett, Steve McLaughlin, Carl J. Kempf, III,

Kelley A. Cramer, Jack Conway, Larry Elmen, Steve Boniface, Kevin Hitchcock, Dawn Phillips ratified fraud, retaliation. No immunity.

Private Defendants

86-94. Veronica Smith, Steve Blair, James Bennett, Sharon Bennett, Susan Warzek, U.S.

Budokai Karate, Smile Lodge, PLLC, Julia Gross, Julia Gross Family Health, PLLC instigated fraud, assaults.

Doe Defendants

95-115. John and Jane Does 1–20 participated in the enterprise, to be identified via discovery.

ALLEGATIONS

PAUL PELAGALLI — ENGINEER OF THE RACKETEERING SCHEME

116. On August 3, 2020, Defendant Pelagalli, acting as an Acting Justice, unlawfully appointed Defendant Corey-Mongue as attorney for the child (“AFC”) in Plaintiff Smith’s matrimonial case. Both parents had retained private counsel, no affidavits of indigency were filed, and no lawful appointment order existed. This first unlawful act marked the inception of the racketeering enterprise.

117. To justify the scheme, Pelagalli allowed falsified financial filings to control the record. Plaintiff Smith’s sworn July 30, 2020, Statement of Net Worth disclosing substantial assets was suppressed. On July 31, 2020, Veronica Smith filed a falsified Statement of Net Worth inflating Plaintiff’s income and concealing her own assets. Pelagalli relied on these falsifications to impose inflated child and spousal support obligations, not for fairness, but to trigger federal Title IV-D reimbursements for Saratoga County.

118. From 2020 forward, Pelagalli cycled unlawful attorneys into Plaintiffs’ case — including Tastensen, Vinson, and Resta-Tobin — without statutory authority, affidavits of indigency, or

valid orders. He extended this scheme into Family Offense proceedings in 2022, permitting Veronica and the Bennetts to obtain dual 18-B representation without lawful basis.

119. Despite repeated notice that his orders and hearings were jurisdictionally void, Judge Pelagalli willfully convened over a dozen unlawful proceedings. In those proceedings he allowed unauthorized attorneys to appear without valid appointment, refused to sanction Veronica Smith for blatant contempt, and perpetuated inflated support orders to ensure the continuation of Title IV-D/IV-E reimbursement streams.
120. His conduct was not neutral adjudication but a calculated mechanism to preserve revenue for the system while protecting an abuser. Most egregiously, Pelagalli extended his retaliation to non-parties: he directly threatened Plaintiff Dees with arrest, despite her not being a party to the action, weaponizing his bench to intimidate and silence federal witnesses.
121. In July 2023, when Plaintiffs presented evidence that Veronica had placed Tile Trackers in the child's shoes to stalk and monitor Plaintiffs, Pelagalli refused to act, enabling retaliatory surveillance and custodial interference.
122. On September 19, 2023, Pelagalli issued a custody order branding Plaintiff Smith a "narcissist" despite no diagnosis and despite a July 2023 forensic evaluation by Dr. Bashkoff disproving such claims. At the same time, he had just found Veronica guilty of repeated contempt and was on notice of her stalking yet rewarded her with final decision-making authority while stripping Plaintiff Smith of parental rights.
123. On October 11, 2023 — the day after dismissal of Plaintiffs' Article 78 petition — Pelagalli abruptly recused, inserting retaliatory remarks aimed at Plaintiff Dees. In January 2024, he assumed the role of Clifton Park Town Attorney (where plaintiffs reside) through a

backroom arrangement with Supervisor Phil Barrett, designed to shield his void orders and continue retaliation in concert with enterprise actors.

124. Through fraudulent support orders, Pelagalli forced Plaintiff Smith to liquidate retirement savings, assume Veronica's abandoned monthly bills and debts, and pay over \$4,000/month in inflated support. These funds were not used for lawful support but diverted as an enterprise revenue stream. At the same time, defamatory orders branding Plaintiff a "narcissist" were disseminated by Veronica and Resta-Tobin to employers and community members, deliberately sabotaging Plaintiff's livelihood.

125. Pelagalli's conduct directly contributed to the Father's Day 2022 death of Plaintiffs' unborn child, destruction of the parental bond, reputational harm, financial ruin, and ongoing trauma. His conduct constitutes predicate racketeering acts including Mail & Wire Fraud (18 U.S.C. §§ 1341, 1343); Honest Services Fraud (§ 1346); Extortion under Color of Law (§ 1951); Obstruction of Justice (§§ 1503, 1511, 1512); Retaliation Against Witnesses (§ 1513); and, Deprivation of Rights Under Color of Law (42 U.S.C. § 1983). Plaintiffs remain under continuing injury from his void rulings, retaliatory smears, and financial coercion.

**VERONICA SMITH, STEVE BLAIR, JAMES AND SHARON BENNETT,
AND SUSAN WARZEK / U.S. BUDOKAI**

126. Plaintiffs allege that Veronica Smith, her parents James and Sharon Bennett, her partner Steve Blair, and her benefactor/employer U.S. Budokai Karate (operated by Susan Warzek) were not private actors but core participants in an organized racketeering enterprise. Acting in concert with corrupt attorneys, judges, law-enforcement, and school officials, they retaliated against Plaintiffs as federal witnesses, obstructed justice, and systematically annihilated Plaintiff Smith's parental rights.

127. The Bennetts, both retired NY DOC employees, wielded insider influence with law enforcement and court officers to guarantee impunity. They openly assaulted Plaintiffs in Saratoga courtrooms in July and October 2024, captured on video, without consequence.
128. Veronica initiated divorce proceedings in June 2020 not for dissolution but to conceal her relationship with Blair and fabricate domestic-violence claims. The Bennetts declared their intent to raise Plaintiffs' children themselves, unlawfully housed the eldest child, signed medical consents without authority, and engaged in systematic alienation.
129. Between 2020–2025, Veronica falsified Statements of Net Worth, obstructed school registration, filed fraudulent homeschooling records, and staged a sham graduation of the eldest child in June 2024 despite missing credits.
130. Father's Day 2022 Death: Amid repeated reports of stalking, contempt, and harassment by Veronica, Blair, and the Bennetts—ignored by law enforcement and judges—Plaintiffs' unborn child died on Father's Day 2022. This was the foreseeable result of collusion and state actors' refusal to intervene.
131. In July 2023, Tile trackers were discovered hidden in the shoes of the youngest child during custodial time—an act of surveillance and coercive control perpetrated by Veronica, Blair and the Bennett's.
132. On November 8, 2023, Veronica attempted forced entry into Plaintiffs' home in violation of a protection order, escalating to violence in front of a child. The incident, captured on three videos and corroborated by police and CPS, resulted in her arrest on felony contempt and child endangerment. Yet charges were later downgraded and dismissed in a manipulated bench trial before Defendant Rybak.

133. In late 2023–2024, the Bennetts unlawfully executed fraudulent authorizations to sedate his children without Plaintiffs consent, violating his equal 50/50 custodial rights.

134. In December 2023, Veronica and Blair disposed of Plaintiff's vehicle, falsified odometer and title records, and canceled his homeowner's insurance weeks before the December 28 fire at 72 Southern. Following the fire, Veronica diverted Allstate proceeds into her and Blair's sole control. She intercepted plaintiffs \$1,600 Midwest Loan checks.

135. In April 2025, contractors Bellinger and Veronica admitted on police bodycam that over \$200,000 in insurance funds had been squandered, that illegal demolition occurred at 72 Southern without permits, and that uninsured labor—including her minor son—was used. These liabilities were imputed to Plaintiff Smith as deeded homeowner, destroying his credit and leaving him responsible for debts he did not incur.

136. On June 15, 2024, Veronica posted humiliating photos of Blair with the youngest child, mocking Plaintiff for being unlawfully stripped of his license. (Her doing) Yet Blair himself drove the Smith children while unlicensed, unregistered and uninsured.

137. Warzek and her dojo financed and facilitated the enterprise. She unlawfully employed the eldest child during school hours, extended Veronica a \$20,000 loan funding ongoing fraud, and interfered in CPS and criminal matters by lying to officials. She also used political, religious, and judicial ties—including connections to Saratoga Clerk Hayner and ALJ Amy Cohen—to shield Veronica and obstruct accountability.

138. In July 2025, Warzek submitted perjured affirmations denying coordination with attorneys and officials despite documentary proof of her entanglement.

139. From 2019 through 2024, Veronica, aided and abetted by co-conspirators, engaged in systematic tax fraud by repeatedly double-filing returns, falsely claiming Head-of-

Household status, and unlawfully seizing dependency credits and refunds. Even in years where she reported no income, she nevertheless filed returns in order to capture all available credits tied to the children, diverting thousands of dollars to her sole benefit.

140. In August 2025, the eldest child—manipulated by Veronica and the Bennetts—sent a public email severing ties with her father while copying judges and prosecutors. Days later, on September 2–3, 2025, she was used to aid abduction of her younger sibling at Goff Middle School in open violation of a custody order, aided by school and law-enforcement actors.

141. These Defendants’ conduct constitutes predicate acts including Mail/Wire Fraud (18 U.S.C. §§ 1341, 1343); Honest Services Fraud (§ 1346); Obstruction of Justice (§§ 1503, 1511); Witness Tampering (§ 1512), and Retaliation (§ 1513); Extortion and Custodial Interference (18 U.S.C. § 1951; N.Y. Penal Law § 135.45); Abduction of a Minor; Forced Child Labor (18 U.S.C. § 1589; N.Y. Labor Law §§ 130–133); Insurance Fraud & Arson Conspiracy (N.Y. Penal Law §§ 176.20–176.25); Grand Larceny & Forgery (N.Y. Penal Law §§ 155.30, 155.40); Tax Fraud (26 U.S.C. § 7206); Theft/Bribery re: Federally Funded Programs (18 U.S.C. § 666); Conspiracy (18 U.S.C. §§ 241–242; 42 U.S.C. §§ 1983, 1985, 1986).

142. Plaintiffs suffered profound emotional injury from coercive control and alienation; physical injury from assaults; financial devastation from fraud and property theft; reputational destruction through social-media smears and false filings; and the irreparable loss of their unborn child on Father’s Day 2022. These harms were the direct and foreseeable result of Defendants coordinated racketeering enterprise.

DEFENDANTS COREY-MONGUE, RESTA-TOBIN, VINSON, CARBONE, BIRMAN, L. SILVERMAN, KRAIGENOW, and VELLA CARBONE & VINSON, LLP

143. Defendant John Kraigenow, Director of the AD3 AFC Program, exercised supervisory authority over all AFC appointments in Saratoga County. Despite repeated written and oral

notice from Plaintiffs that the appointments of Heather Corey-Mongue and Jessica Vinson were jurisdictionally void—lacking lawful judicial orders, UCS-882 authorizations, or indigency determinations—Kraigenow knowingly ratified them. His ratification entrenched their fraudulent roles, permitted unauthorized filings, enabled public billing, and anchored the enterprise’s pay-to-play scheme at the supervisory level.

144. On August 3, 2020, Corey-Mongue unlawfully entered Plaintiffs’ matrimonial case without any valid order of appointment (**Ex. 1**). She filed unsigned “proposed orders” on May 1 and May 26, 2022, which were nevertheless enforced by police. On July 8 and August 1, 2025, she filed unauthorized Orders to Show Cause. These filings fueled stalking, retaliation, and directly contributed to the Father’s Day 2022 tragedy. She obstructed FERPA/HIPAA releases, denied ADA accommodations, and billed the State as if lawfully appointed.

145. On February 14, 2022, Jessica Vinson unlawfully entered as AFC (**Ex. 2**). She coordinated with East Greenbush CSD counsel to bury school-registration records, ratified falsified graduation papers in June 2024 despite missing credits, blocked HIPAA releases, and filed contempt motions to retaliate against Plaintiffs’ protected speech.

146. In August 2022, following Plaintiffs’ loss of their unborn child, Judge Pelagalli embedded Denise Resta-Tobin into the matrimonial case as the enterprise’s enforcer, filing unauthorized OSCs (Aug. 22, 2023; June 26, 2024; July 8, 2025) and even lodging a false appeal on Sept. 21, 2023. She never had a judicial order of appointment, indigency finding, or UCS-882 authorization—only a void 18-B “Notice of Appearance” (**Ex. 3**). Nevertheless, she was also inserted into Family Court from November 2022 forward,

147. On Aug. 25, 2025, Resta-Tobin submitted a letter to Judge Versaci demanding contempt against Smith based solely on protected speech (**Ex. 4**). On Sept. 2, 2025, she filed a two-

paragraph “so-ordered” letter demanding suspension of Smith’s parenting time, timed before a custody exchange (**Ex. 5**). Though Versaci declined to sign, Resta-Tobin and Veronica Smith misrepresented her authority to the NYSP, orchestrating unlawful custodial interference (**Ex. 6**).

148. On Sept. 3, 2025, she and Veronica forum-shopped into Family Court, where—despite no standing—she filed petitions (**Ex. 7**), culminating in the abduction of Plaintiffs’ 11-year-old daughter from Goff Middle School. The petitions themselves bear her signature identifying herself as “attorney of record” (**Ex’s. 8–9**).

149. On Sept. 4, 2025, Judge Wait issued void TPOs against both Plaintiffs (**Ex’s. 10–11**), which Resta-Tobin laundered into the Supreme Court record (**Ex. 12**). This cross-forum laundering proved orchestration, not error.

150. Vinson and her partner Aaron Carbone used their firm Vella Carbone & Vinson LLP (VCV) to launder unlawful roles into legitimacy. Carbone, a former associate at Judge D’Agostino’s prior firm and DMV Appeals Board member, cultivated influence through bar associations and judicial networking events. VCV’s sponsorships reinforced ties with judges while Vinson’s AFC role remained void.

151. The Albany County Bar Association (“ACBA”) operated as an institutional shield for the enterprise. Judge Mae D’Agostino was a member who frequently attended ACBA events alongside state judges and attorneys, while Aaron Carbone and Lorraine Silverman held leadership roles. This overlap created an ecosystem where unlawful AFC/18-B appointments were normalized, objections from Plaintiffs were disregarded, and misconduct was laundered into professional legitimacy under the guise of bar-association credibility.

- 152.**Birman's Appellate Laundering:** In June 2025, Carl Birman entered Plaintiffs' AD3 appeal through a fraudulent indigency affidavit funneled by Resta-Tobin. He filed affirmations attaching void eligibility certificates and recycled petitions. Despite notice, he laundered defamatory allegations into the appellate record, weaponizing the appeal to smear Plaintiffs and extend Resta-Tobin's unlawful role into AD3.
- 153.**Silverman's Role:** Lorraine Silverman, though never appointed, coordinated enterprise protection. As an AFC program leader and Albany/NDNY Bar participant, she ensured unlawful appointments continued despite objections. She is married to Judge Adam Silverman, who presided over litigation tied to insurance fraud at 72 Southern, exemplifying spousal conflicts of interest.
- 154.Corey-Mongue, Vinson, Resta-Tobin, and Birman repeatedly branded Plaintiff Dees a "paramour" in court filings, emails, and letters, acting with actual malice—constituting libel and slander per se, designed to humiliate, punish speech, and chill federal-witness activity.
- 155.Defendants' conduct constitutes a continuous pattern of racketeering activity under 18 U.S.C. §§ 1961–1962, including Mail Fraud (§ 1341): circulation of void/backdated orders, falsified documents; Wire Fraud (§ 1343): NYSCEF filings, email coordination, suppression of records; Honest-Services Fraud (§ 1346): billing for services without lawful appointment; Obstruction of Justice (§§ 1503, 1511, 1519): spoliation, sham contempt, suppression of subpoenas; Witness Tampering/Retaliation (§§ 1512–1513): contempt motions, gag orders, defamation, child abduction; Extortion Under Color of Law (§ 1951): conditioning access to children on void directives; Civil-Rights Violations (§§ 241–242; 42 U.S.C. §§ 1983, 1985, 1986); ADA/Section 504 Retaliation (42 U.S.C. §§ 12132, 12203; 29 U.S.C. § 794); Theft/Bribery Concerning Federal Funds (§ 666) and RICO Conspiracy (§ 1962(d)).

156. As a direct and foreseeable result, Plaintiffs suffered: Economic Injury: depletion of savings, destruction of credit, fraudulent billing, inflated litigation costs. Reputational Injury: defamation and slander per se through the “paramour” smear. Constitutional Injury: deprivation of custody and parenting rights, denial of ADA accommodations, denial of access to courts, retaliation against protected speech. Emotional/Physical Injury: trauma and PTSD, compounded by the loss of Plaintiffs’ unborn child on Father’s Day 2022, and exacerbated by retaliatory acts depriving Plaintiffs of family integrity and safety.

JUDICIAL DEFENDANTS— FEDERAL AND STATE

157. No absolute or qualified immunity shields the judicial defendants here. Judicial immunity only attaches to acts that are both (a) judicial in nature and (b) taken within lawful jurisdiction. Where judges act in the clear absence of all jurisdictions, immunity is forfeited. *Stump v. Sparkman*, 435 U.S. 349 (1978); *Mireles v. Waco*, 502 U.S. 9 (1991) (per curiam). Here, multiple judges knowingly issued custody orders after jurisdiction had been divested or never existed—Family Court judges altering custody determinations reserved exclusively to Supreme Court under DRL § 240, Supreme Court judges presiding over matrimonial cases that were void ab initio, and federal judges insulating those rulings.

158. These were not “judicial errors” within jurisdiction; they were acts in the clear absence of jurisdiction, void from inception. Moreover, the conduct alleged—fabricating and backdating orders, manufacturing attorney assignments, manipulating dockets, coordinating with clerks and attorneys, and weaponizing law enforcement—are not protected judicial functions but administrative, conspiratorial, and retaliatory acts undertaken to advance a racketeering enterprise. Such conduct falls squarely outside absolute immunity. *Forrester v. White*, 484 U.S. 219 (1988); *Dennis v. Sparks*, 449 U.S. 24 (1980).

159. Plaintiffs' rights were clearly established: due process, equal protection, access to courts, familial association, ADA accommodations, and the right to be free from retaliation for protected activity. No reasonable official could believe it lawful to forge or backdate orders; to empower a taxpayer-funded "prosecutor" for a private petitioner; to engineer fabricated defaults; or to facilitate a child's abduction under color of void process. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).
160. The defendants did not act as neutral adjudicators; they acted under color of state law in concert with clerks, administrators, law-enforcement, and private attorneys to deprive Plaintiffs of federal rights. A judge who conspires to violate constitutional rights "is subject to § 1983 liability like any other state official." *Dennis*, 449 U.S. at 28–29. Moreover, prospective relief lies against judicial officers for ongoing violations of federal law. *Pulliam v. Allen*, 466 U.S. 522 (1984).
161. The enterprise operated through Saratoga Family and Supreme Court, Saratoga Springs City Court, county clerk offices, the AD3, and into federal forums. These venues were converted from neutral tribunals into instruments of the scheme: orders falsified; records manipulated; assignments fabricated; void attorneys ratified; ADA rights denied; and coordinated timing across courts used to launder outcomes and retaliate against Plaintiffs as federal witnesses.
162. Acting in concert, the judicial defendants and their co-conspirators committed, attempted, and/or aided and abetted multiple predicate acts, including Wire Fraud (18 U.S.C. § 1343): Obstruction of Justice (18 U.S.C. §§ 1503, 1511): Witness Tampering/Retaliation (18 U.S.C. §§ 1512–1513): Deprivation of Rights Under Color of Law (18 U.S.C. §§ 241–242; 42 U.S.C. §§ 1983, 1985, 1986): and RICO Conspiracy (18 U.S.C. § 1962(d)).

163. Because the challenged conduct is non-judicial and/or undertaken in the clear absence of jurisdiction, damages lie against the defendants in their individual capacities; equitable and declaratory relief lies to halt ongoing violations; and attorney's fees/costs (where applicable), treble damages, and any further relief under § 1964(c) are warranted.
164. Every judicial defendant named herein was on notice of the enterprise's unlawful structure and lack of jurisdiction by no later than 2022, when Plaintiffs filed multiple Article 78 proceedings challenging void attorney appointments, missing indigency affidavits, and systemic fraud in Saratoga Supreme/Family Court. Those filings, together with appeals, objections, and repeated emergency applications, gave direct, formal notice of jurisdictional defects to all levels of the judiciary.
165. Escalating notice post-2023. From 2023 forward, notice intensified:
- a. The November 8, 2023, assault/arrest of Veronica Smith, CPS founded abuse report (Dec. 12, 2023), and motions tied to the unborn child's death were squarely before Family Court and AD3.
 - b. By January 2024, with Plaintiffs' first federal civil-rights filing, the NDNY, AD3, and supervisory judges (Wilson, Zayas, Murphy, Singh, Sise) were indisputably on notice that the proceedings were void.
 - c. Between 2024–2025, Plaintiffs lodged formal Notices of Nullity, Notices of Jurisdictional Defects, and multiple Article 78 petitions, all of which repeated the same incurable defects.
166. On September 2, 2025, Resta-Tobin prepared and filed a two-paragraph "so-ordered" letter demanding suspension of Ethan Smith's parenting time, deliberately timed to interfere with a scheduled custody exchange (**Ex. 5**). Justice Versaci declined to sign the letter, Resta-Tobin and Veronica nevertheless misrepresented her authority to the NYSP, who then refused to enforce the order and permitted Veronica to unlawfully retain the minor (**Ex. 6**).

167. On September 3, 2025, having failed to obtain relief in Supreme Court, Resta-Tobin and Veronica forum-shopped into Family Court, where—despite lacking standing—Resta-Tobin filed petitions under her own signature as “attorney of record” (**Ex’s. 7–9**). By doing so, she acted as a state-funded prosecutor, illegally converting what was a civil family matter into a quasi-criminal proceeding against Plaintiffs. These petitions, filed in court that both she and Judge Wait admitted lacked jurisdiction, directly culminated in the abduction of Plaintiffs’ 11-year-old minor from Goff Middle School. The September 4, 2025, transcript confirmed that Resta-Tobin openly acknowledged these maneuvers, and that police facilitated the abduction under her direction, treating her unauthorized role as if she were the State itself.
168. On September 4, 2025, Judge Wait issued TPO against both Plaintiffs (**Ex’s. 10–11**), despite acknowledging on the record that custody jurisdiction remained with Versaci. Resta-Tobin then laundered these void Family Court orders into the Supreme Court record (**Ex. 12**). This dual-track manipulation—Family Court creating void orders while Supreme Court was kept “in the loop”—was not judicial error but orchestration, proving enterprise coordination across forums.
169. The transcript (**Ex. 38**) confirmed that Judge Wait directed his clerk to fabricate an additional clause into the protection order: “you can put that in there as a 99-suspending visitation”. Wait admitted he attempted to block Plaintiffs’ emails, stating he had asked the district office to stop delivery because “the Chief Judge can”.
170. The September 4, 2025, transcript confirmed that Resta-Tobin appeared without any confirmed appointment, asking on the record: “*I just want to know if everything I’ve done up til now is legit?*”. This establishes she prosecuted cases and argued motions without lawful authority, committing fraud upon the court.

171. Resta-Tobin admitted she went directly to Justice Versaci “prior to coming to Court” to seek suspension of custody outside the adversarial process. Resta-Tobin bragged that she had “talked the State Police out of charges”.

172. The transcript admits that on September 2, 2025, Veronica refused to comply with the standing custody order and openly told police she would not surrender the minor. She had already coached and intimidated the child—the same child for whom she had previously been founded for abuse—ensuring resistance to her father.

173. Veronica and Resta-Tobin the orchestrated the unlawful pick-up of the minor on Sept. 3 by Kayla an adult with no legal standing; despite knowing it was plaintiff’s time and then attempted to sanitize this interference by petitioning for protection orders the very next day.

174. The September 4, transcript (**TRO Ex. 20**) confirmed that Versaci was fully apprised of the unlawful protection-order scheme being funneled between Family Court and Supreme Court.

175. This transcript eliminates any possibility of ignorance: Versaci knew Family Court was acting without jurisdiction, knew protection orders were being laundered through his docket, and nevertheless allowed the dual-track process to proceed.

176. Because knowledge was established years before the most recent abductions and retaliations, no defendant may now claim: “Good faith” reliance on jurisdiction, immunity for judicial error; or ignorance of the fraud infecting their proceedings. Their misconduct was knowing, willful, and deliberate participation in a RICO enterprise after repeated, unambiguous notice.

Acting Justice Vincent Versaci Smith v. Smith, Index Nos. 2020-1227 & 2025-2068)

177. On January 11, 2024, within days of Plaintiffs’ first federal civil-rights filing, Administrative Judge Singh reassigned the void Saratoga matrimonial case to Defendant Versaci. Plaintiffs

allege his placement was retaliatory, designed to “fix” outcomes for the enterprise and suppress jurisdictional challenges.

178. From January 2024 forward, Plaintiffs filed more than thirty written submissions and oral objections demonstrating that the proceedings were jurisdictionally void ab initio. These included missing indigency affidavits, absent UCS-882 authorizations, and fraudulent attorney appointments, including the unauthorized appearance of Defendant Resta-Tobin. Versaci acknowledged these objections but willfully refused to adjudicate jurisdiction.

179. On February 26, 2024, Versaci permitted unauthorized attorneys to proceed without standing. Unlike other purported AFCs with at least defective signed orders, Resta-Tobin never had any appointment whatsoever.

180. On May 24–25, 2024, Versaci empowered unauthorized counsel to litigate financial matters, threatened Plaintiffs with sanctions, and refused to fix Saratoga County’s revocation of Plaintiff Smith’s driver’s license on false arrears, depriving the household of transportation while Plaintiff Dees faced imminent knee replacement surgery (**Ex. 14**).

181. On August 11, 2024, Versaci quashed contempt motions aimed at Veronica and contractors for ignoring subpoenas tied to Allstate insurance fraud. Despite evidence of tax fraud and unlawful demolition, he refused enforcement, stating “it’s not my job.”

182. On October 18, 2024, he sua sponte released more than \$170,000 in Allstate proceeds to Veronica Smith at Resta-Tobin’s oral request, furthering the fraud.

183. On January 24, 2025, Versaci referred custody hearings to JHO Hall despite active CPS founded findings of abuse, again ignoring jurisdiction. After Hall recused, Versaci pressed forward with trial proceedings in March, April, and August 2025, suppressing subpoenas, excluding fraud evidence, and declaring that Plaintiffs’ proof of fraud was “not his concern.”

184. On May 8, 2025, Plaintiff filed a formal jurisdictional objection with a request for stay and for leave to move to invalidate the prior divorce judgment and commence a new matrimonial proceeding. (**Ex. 13**). Despite his own prior directive that leave of court was required before any such motion could be filed, Versaci ignored the application, deliberately stalling to maintain control. Nearly a month later, on June 5, 2025, Plaintiff proceeded regardless.
185. On August 27, 2025, Versaci proceeded with a matrimonial “trial” despite Plaintiffs’ Notice of Nullity (**Ex. 15**) and Formal Termination of Participation. He refused jurisdictional inquiry, barred Smith from defending, and treated his absence as a fabricated default.
186. Versaci’s retaliatory conduct escalated after being named as a federal defendant. His rulings synchronized with NDNY Judge D’Agostino’s dismissals, demonstrating coordination between state and federal forums to suppress Plaintiffs’ rights.
187. Versaci’s conduct constitutes Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Retaliation Against Witnesses (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)). Versaci’s actions directly caused the loss of parental rights, deprivation of ADA, release of fraud-tainted insurance funds, reputational injury, and emotional harm.

Town Justice Robert Rybak (Clifton Park)

188. On November 8, 2023, Veronica Smith attempted forced entry into Plaintiffs’ home during custodial time, escalating into violence captured on video. She was arrested for Felony Contempt, Endangering the Welfare of a Child, Attempted Criminal Trespass, and Harassment. CPS investigations were opened in both Saratoga and Rensselaer Counties. Despite being the aggressor, Veronica demanded charges against Plaintiff Smith when police arrived. Arrest reports and the felony complaint confirm her misconduct (**Ex. 16**).

189. Rybak narrowed the criminal order of protection to cover only Plaintiff Smith, deliberately excluding Dees and the minor child despite video evidence that they were targeted.
190. That same night, after release from custody, Veronica violated the order of protection. On November 9, 2023, she escalated by stalking Plaintiffs' home. Instead of enforcing the order, Rybak and aligned enterprise actors—including local police and the DA's office—concealed these violations to shield her from accountability.
191. On November 9, 2023, Rybak permitted Veronica to bring the minor child into court in a contrived “dog-bite” claim, placing the child on the stand less than 24 hours after her arrest. Plaintiffs declined to appear under such circumstances, yet Rybak proceeded in their absence, empowering an abuser while suppressing contemporaneous evidence of abuse.
192. On December 12, 2023, CPS substantiated a finding of Inadequate Guardianship against Veronica—confirming she posed a danger to the child (**Ex. 17**). Only after this CPS finding did Rybak extend a protection order to Plaintiff Dees—but by then, more than a month had passed since the assault, during which Veronica's retaliation escalated unchecked.
193. On June 20, 2024, after orchestrating a non-jury bench trial, Rybak dismissed all charges against Veronica without issuing a finding of “not guilty.” He excluded CPS records, suppressed eyewitness accounts, refused to admit three separate video recordings, and prevented the calling of available witnesses. His written order perversely branded “Dees and Mr. Smith” as aggressors, contrary to the CPS finding and video evidence (**Ex. 18**).
194. Rybak's conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Retaliation Against Witnesses (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Family Court Judge Jeffrey Wait (Saratoga)

195. On October 13, 2023, Veronica Smith filed a Family Offense petition in Saratoga Family Court, Docket No. O-02613-23, naming Plaintiff Smith as respondent and improperly dragging Plaintiff Dees into the proceeding, despite no qualifying relationship under FCA § 812. The petition was filed to obstruct the September 19, 2023, custody order and shield Veronica from contempt sanctions for unlawfully withholding the child.
196. At the initial appearance, Judge Wait dismissed the petition against Dees, conceding that she had no standing and that her lawful speech on social media was not a crime. Nevertheless, he permitted the petition against Smith to proceed and unlawfully allowed publicly funded “18-B” attorney Denise Resta-Tobin to appear for Veronica, even though petitioners are not statutorily entitled to assigned counsel under FCA § 262 or County Law § 722.
197. On November 8, 2023, while under this protection order, Veronica assaulted Plaintiffs at their home in violation of court restrictions. Despite police warnings and contemporaneous video, Wait refused to extend protective relief to Plaintiffs the next day. This pattern emboldened Veronica, signaling that she was shielded by the enterprise.
198. On January 19, 2024, Plaintiff filed a Motion to Transfer under FCA § 1014, citing Wait’s conflicts as a named federal defendant. At the January 24, 2024, hearing, during Plaintiffs’ excused absence due to school obligations, Wait seized the opportunity to dismiss numerous pending petitions, discarding weeks of testimony and law-enforcement evidence—including NYSP witness testimony—exposing repeated violations of protection orders.
199. On February 10, 2024, Plaintiff Smith emailed the Court requesting a copy of the written denial order, (**Ex. 19**). Days later, the Court produced a manufactured order falsely backdated to January 28, 2024, deliberately omitting evidence already presented in open

court (**Ex. 20**). On February 14, 2024, Plaintiff Smith filed a written objection, placing the Court on notice that the order was fraudulent and backdated (**Ex. 21**).

200. On July 1, 2024, Wait retaliated by extending an expired October 2023 TPO, despite FCA § 846-a's explicit bar against reviving expired orders. The extension was issued ex parte, at the behest of Resta-Tobin, without motion practice, briefing, or adversarial hearing.

201. On July 22, 2024, Wait compounded the misconduct by wholesale adopting Judge Rybak's June 20, 2024, ruling that dismissed charges against Veronica for the November 2023 assault, despite the CPS founded abuse report substantiating her misconduct (**Ex. 17**). He ignored three video exhibits and CPS findings, instead parroting Rybak's distorted narrative that Plaintiffs were the "aggressors."

202. Wait's misconduct—directly contributed to the destruction of the father-child bond, retaliatory silencing of federal witnesses, and the unlawful abduction of Plaintiffs' child.

203. On April 17, 2024, after a bench trial, Ethan Smith was convicted of Harassment in the Second Degree under Penal Law § 240.26(3). This conviction was issued by Wait after he had already been named as a defendant in Plaintiffs' federal civil action *Dees v Zurlo*, thereby creating a direct conflict of interest. Following that conviction, on April 24, 2024, the Court imposed a two-year order of protection lasting through April 24, 2026.

204. The harassment prosecution was not neutral or legitimate. It originated with Wende Tedesco of Saratoga Center for the Family, who at the time was both: Acting as personal counselor for Veronica Smith; and directing the children's therapists to withhold records, deny custody, and exclude Ethan from his children's lives—in violation of existing orders.

205. The prosecution was further supported by Sarah Wood, counsel for Saratoga Center. Ms. Wood sent Plaintiffs and police five or more communications and emails instructing them to

direct all contact to her. When Plaintiffs complied, she turned around and filed harassment charges with her alleged client Tedesco, which became the basis of the April 17, 2024, conviction. Wood, Tedesco, and Saratoga Center for the Family are already named in Plaintiffs' federal lawsuit pending before the U.S. Supreme Court (Case No. 25-5035).

206. On September 4, 2025, Wait denied Ethan Smith's motion to vacate the April 24, 2024, order of protection. In that denial, **(Ex. 34)** Wait admitted two crucial facts:

- A. He had never properly stated on the record the reasons for converting the temporary order of protection into a permanent order, as required by CPL § 530.13(4); and
- B. He acknowledged the order might jeopardize Mr. Smith's employment and professional certifications.

207. Wait issued his September 4, 2025, Criminal Court order denying post-conviction relief right after he signed TPO'S in family court. He weaponized that ruling to further destroy Plaintiff's rights. All orders are void an initio.

208. Wait's conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Tampering and Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Judicial Hearing Officer James Doern (Index No. 2020-1227)

209. In May 2025, after JHO Hall recused for lack of jurisdiction, Versaci assigned Doern to the Smith matrimonial case. No valid Order of Reference issued under CPLR §§ 4311 or 4403, rendering Doern's assignment void ab initio. Plaintiffs immediately placed him on notice that all attorney appointments were unlawful, the proceedings jurisdictionally void, and ADA accommodations had been denied.

210. Doern convened hearings on June 27, 2025, permitting Veronica and unauthorized attorneys—Resta-Tobin, Corey-Mongue, and Vinson—to appear as if duly appointed. He refused to hear Plaintiffs’ jurisdictional objections, stating on the record that it was “not [his] job” to rule on such issues. He mocked ADA requests, denied accommodations, and threatened Plaintiff Smith with arrest for asserting his rights. By denying an ADA coordinator, he obstructed access to the court in violation of federal law.
211. On July 16, 2025, despite Veronica and Resta-Tobin being in default, Doern quashed Plaintiffs’ subpoenas, read pre-written rulings designed to preserve fraud, and again threatened contempt for ADA assertions.
212. On August 11, 2025, Doern escalated retaliation at the opening of a five-day custody hearing. He quashed subpoenas to schools, law enforcement, and unauthorized attorneys; denied ADA accommodations; and forced Plaintiff Smith from the courtroom during a panic attack. In Smith’s absence, Doern conducted an inquest, allowing Resta-Tobin—who never possessed a lawful order of appointment—to proceed without cross-examination.
213. On August 12, 2025, Plaintiff Smith filed a Notice of Nullity. Doern twisted this filing into supposed “non-compliance,” recommending contempt and the stripping of Smith’s custodial rights. He ignored the December 12, 2023, CPS founded abuse report against Veronica (Ex. 17), which substantiated inadequate guardianship, and instead credited perjured testimony.
214. On August 14, 2025, Doern scheduled a closed Lincoln hearing for the youngest children despite lacking jurisdiction, weaponizing them as enterprise instruments.
215. On August 27, 2025, Doern issued a retaliatory Report & Recommendation—omitting jurisdictional defects, ignored ADA denials, credited perjury, disregarded CPS findings, and fabricated contempt allegations. Most egregiously, it recommended stripping custody from

Plaintiff Smith and transferring the child full-time to Veronica, a founded abuser. The report further attempted to impose protection and no-contact orders without evidentiary basis, in retaliation for this lawsuit. (**Ex. 23**).

216. Resta-Tobin and Veronica then weaponized Doern's void report, parading it before police and school officials as though it were a valid court order. This misuse directly enabled the September 3, 2025, abduction of Plaintiffs' child.

217. Doern's conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Tampering and Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Justice Adam Silverman (Rensselaer Supreme Court / Court of Claims)

218. In late 2024, Adam Silverman—by appointment primarily a Court of Claims judge whose docket typically involves actions against the State—was irregularly assigned to preside over *Smith v. Allstate*, a private insurance fraud and property damage matter concerning 72 Southern. Plaintiffs allege this selective assignment was not random but engineered to ensure the case was steered to a judge with conflicts through political and familial ties.

219. Silverman's spouse maintained professional relationships within Albany's bar and AFC programs, overlapping with enterprise actors including Vinson, Carbone, and Judge D'Agostino. His appearance on Plaintiffs' docket underscored the pattern of manipulated judicial assignments designed to protect enterprise participants.

220. On November 15, 2024, immediately after Versaci sua sponte lifted the injunction on Allstate insurance proceeds, Plaintiff Smith sought emergency relief from Silverman to halt the unlawful demolition at 72 Southern. Silverman was fully apprised that the contractor

lacked insurance, was using unlicensed labor, was demolishing without permits, and was destroying material evidence directly tied to insurance fraud and suspected arson. Silverman still denied relief, thereby sanctioning the demolition and destruction of evidence.

221. On January 3, 2025, Plaintiffs again moved to preserve evidence after further proof of perjury and fraudulent transactions surfaced. Silverman refused to intervene.

222. On April 11, 2025, Bellinger admitted on police body-worn camera that the house had been gutted to the studs with all systems removed, drywall installed without inspection, and uninsured labor employed.

223. The consequences of Silverman's misconduct were catastrophic. Over \$200,000 in Allstate insurance proceeds were siphoned away without lawful repairs, property value depreciated by more than \$30,000, the residence remained a fire hazard under fraudulent occupancy certificates, and Plaintiffs' credit and equity were annihilated. These injuries compounded ongoing reputational destruction and emotional trauma.

224. Silverman's actions constitute predicate racketeering acts including Mail & Wire Fraud (18 U.S.C. §§ 1341, 1343); Honest Services Fraud (§ 1346); Obstruction of Justice (§§ 1503, 1511); Witness Retaliation (§ 1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Appellate Division, Third Department (AD3) — Justices Garry, Lynch, Fisher, Clark, McShan, Egan, Aarons, Fitzgerald, and Clerk Mayberger

225. From August 2023 through August 2025, the ("AD3") acted not as a neutral appellate forum but as an enforcement arm of the enterprise. Despite receiving no fewer than ten emergency motions—including Article 78 petitions, TROs, OSCs to halt retaliation, and jurisdictional challenges to unlawful attorney appointments—AD3 issued only boilerplate summary denials, without oral argument, hearings, or written findings.

226. Clerk Mayberger, wielding exclusive docketing authority, facilitated this obstruction by manipulating filings, suppressing jurisdictional objections, and laundering void lower-court rulings into appellate orders, even deleting NYSCEF filings after rubber stamped denied.
227. On July 20, 2024, Plaintiffs formally petitioned Chief Judge Rowan Wilson for transfer out of AD3 pursuant to Judiciary Law § 211(2) and CPLR 5704(a). No justice recused, and no action was taken.
228. On February 4, 2025, Plaintiffs filed objections and supplemental jurisdictional challenges into NYSCEF. Immediately after Justice Fisher issued a rubber-stamp denial, Mayberger suppressed Plaintiffs' filings from public access, an act of record tampering designed to conceal challenges and launder unlawful orders into final judgments.
229. On August 21, 2025, Plaintiffs served a Notice of Jurisdictional Defects, Conflicts, and Demand for Recusal (**Ex. 24**), formally documenting that multiple AD3 justices were sitting in violation of Judiciary Law § 140 residency requirements and maintaining conflicts with Defendants including Judge D'Agostino, Judge Versaci, and AG counsel. Despite this, AD3 justices refused to recuse and continued to preside, knowingly violating statutory law.
230. AD3 also ratified the use of unlawful 18-B appointments by affirming proceedings where petitioners—categorically ineligible for publicly funded counsel—were allowed to proceed with taxpayer-funded prosecutors. By doing so, AD3 preserved the enterprise's pay-to-play pipeline while silencing Plaintiffs' challenges.
231. Structural conflicts pervaded AD3. Justice Clark publicly declared Judge D'Agostino her "mentor," Justices and staff attended bar galas and political functions alongside defendants Vinson, Carbone, Silverman, and Versaci, and Clerk Mayberger maintained political and financial ties to the Versaci family. None of these conflicts were disclosed to Plaintiffs.

232. The pattern of obstruction culminated in August 2025, when AD3 granted a rare OSC to Plaintiffs directing the Attorney General to show cause why transfer should not be granted. The AG responded on August 7, 2025, that the State “takes no position.” Yet, instead of transferring, AD3 denied relief, further entrenching the enterprise.

233. AD3’s conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Retaliation Against Witnesses (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Administrative Judges — James Murphy, Joseph Zayas, Rowan Wilson, Kris Singh, and Richard Sise

234. Between 2023 and 2025, Defendants James P. Murphy (Deputy Chief Administrative Judge for Trial Courts), Joseph A. Zayas (Chief Administrative Judge of the Courts), Rowan D. Wilson (Chief Judge of the Court of Appeals), Kris Singh (Administrative Judge for the Fourth Judicial District), and Richard E. Sise (Chief Judge of the Court of Claims) collectively exercised ultimate supervisory and administrative authority over the NY State judiciary. Their responsibilities included ensuring jurisdictional compliance, integrity of attorney appointments, ADA accessibility, and protection of constitutional rights.

235. By no later than 2022, through Plaintiffs’ multiple Article 78 petitions, these administrators were on actual notice that Saratoga Family Court and Supreme Court proceedings were jurisdictionally void. Repeated filings, jurisdictional objections, ADA accommodation requests, and notices of claim filed into the Court of Claims further placed them on unmistakable notice. Despite this, they took no corrective action.

236. Instead of remedying the misconduct, these administrators fortified the enterprise. In January 2024, days after Plaintiffs filed their first federal civil-rights action, Defendant Singh

reassigned the void matrimonial case to enterprise actor Judge Versaci, ensuring continued control. When Plaintiffs moved to void the proceedings in June 2025, Singh reassigned the matter back to Versaci, again ignoring statutory law.

237. Defendant Sise repeatedly reassigned Plaintiffs' Court of Claims matters to Judge Chaudhry despite her incurable conflicts as a former Attorney General attorney. Even after Plaintiffs' formal recusal motions and evidence of backdated orders, Sise continued to place cases before her, guaranteeing obstruction of Plaintiffs' claims against the State.

238. Defendant Wilson, as Chief Judge, received Plaintiffs' July 20, 2024, petition for transfer out of AD3 under Judiciary Law § 211(2) but refused to act. He later appeared publicly alongside Judge D'Agostino at bar events while Plaintiffs' federal and state cases were pending, underscoring conflicts of interest and compromised neutrality.

239. Defendant Murphy maintained ties to Saratoga and AD3 actors, ensuring that unlawful 18-B appointments were preserved across dockets despite Plaintiffs' repeated objections.

Defendant Zayas ratified systemic failures by refusing to intervene when federal witnesses were retaliated against and CPS founded abuse findings were suppressed.

240. Collectively, the administrators preserved the pay-to-play scheme of unlawful appointments, ensured continued Title IV reimbursements, and allowed enterprise actors to retaliate against Plaintiffs with fabricated orders, unlawful prosecutions, and obstructed appeals.

241. Their conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Saratoga Supreme Court Clerk Dennis Bruce

242. From 2022 onward, Dennis Bruce—first as clerk to Pelagalli and later as Clerk of Supreme Court—abandoned his neutral ministerial role and became an active operative of the enterprise. Bruce’s duties were transformed from record keeping into active obstruction, docket manipulation, and conspiratorial participation in retaliation against federal witnesses.
243. Despite repeated notice that the Saratoga matrimonial proceedings were void ab initio after August 3, 2020, Bruce knowingly docketed filings and processed orders in that action. By doing so, he obstructed Plaintiffs’ access to lawful adjudication, shielded fraudulent attorney appointments, and preserved inflated support orders used to generate Title IV-D reimbursements for Saratoga County.
244. Bruce engaged in ex parte communications with unauthorized attorneys, including Veronica Smith and Resta-Tobin, transmitting filings outside of adversarial process and manipulating NYSCEF to conceal unlawful appearances. He suppressed Plaintiffs’ filings challenging jurisdiction, while ensuring that enterprise filings advanced seamlessly onto the docket.
245. Bruce went further, physically inserting himself at the bench alongside judges and Judicial Hearing Officers. On multiple occasions, he acted as a de facto adjudicator, dictating what filings JHOs could view and what subpoenas would be processed. On August 11, 2025, Bruce stood beside JHO Doern at the bench and personally joined in denying Plaintiffs’ lawful ADA coordinator request, stripping Plaintiffs of federal protections in violation of the ADA and 29 U.S.C. § 794.
246. Bruce’s conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Retaliation Against Witnesses (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

Judge Zainab Chaudhry (New York Court of Claims)

247. Defendant Zainab Chaudhry, a former senior attorney in the AG Office for over twelve years, was elevated to the New York Court of Claims, where the State of New York is always represented by the Attorney General (“OAG”). This prior employment created incurable conflicts of interest in every matter where OAG appeared. Plaintiffs’ claims—naming OAG and its staff as defendants—squarely implicated this conflict.

248. On November 9, 2024, Plaintiffs moved for Chaudhry’s recusal in their pending Court of Claims actions, citing her deep OAG ties and the appearance of bias. Instead of recusing, Chaudhry issued a dismissal order, claiming it had already been decided “weeks earlier.”

249. In reality, metadata shows the dismissal order was not created until November 13, 2024, at 8:14:26 PM EST, and not uploaded until November 14, 2024, at 11:40:23 AM EST. The order was backdated to October 28, 2024, to conceal its true creation and issuance timeline (Ex. 20). Plaintiffs’ recusal motion therefore preceded the order, and the backdating itself constitutes fraud on the court.

250. Despite clear conflicts and evidence of falsification, Chaudhry continued to preside over Plaintiffs’ cases throughout 2025, repeatedly suppressing discovery, quashing subpoenas, and ruling in favor of her former employer, the Attorney General’s Office.

251. On August 12, 2025, Chief Judge Sise knowingly reassigned Plaintiffs’ new Court of Claims action back to Chaudhry, even after her disqualification had been formally raised. On August 22, 2025, Chaudhry again refused recusal, entrenching her conflicted position.

252. Chaudhry’s conduct—backdating orders, refusing recusal, and ruling while structurally conflicted—was undertaken not as a neutral adjudicator but as a conspirator within the

enterprise, using her judicial position to obstruct Plaintiffs’ access to a fair tribunal and shield her former colleagues.

253. Her misconduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

U.S. District Judge Mae A. D’Agostino (Northern District of New York)

254. D’Agostino, a sitting Article III Judge in the Northern District of New York (NDNY), first became implicated in the enterprise upon her assignment to *Dees v. Zurlo*, No. 1:24-cv-0001, filed January 2, 2024. From January 2024 onward, Judge D’Agostino willfully presided over federal cases involving the very state judges, clerks, and attorneys with whom she maintained personal, professional, and political ties, and from that point forward, she consistently acted not as a neutral federal arbiter but as a protector of the enterprise.

255. Despite mandatory recusal under 28 U.S.C. § 455(a)–(b), Judge D’Agostino failed to step aside even though state defendants in Plaintiffs’ cases—including AD3 Justices Clark and Fisher, Judge Versaci, Clerk Mayberger, and attorneys Vinson, and Carbone, among others were her known professional associates through Albany Law School and bar associations. On April 2, 2021, at a Kate Stoneman Day event, AD3 Justice Clark publicly called Judge D’Agostino her “mentor,” cementing the depth of their ties (**Ex. 25**).

256. Judge D’Agostino is an active member of the Albany County Bar and NY State Bar Association, where she regularly appeared at galas, ceremonies, and dinners alongside state defendants.

257. On March 24, 2024, she was honored at a judicial excellence ceremony presented by Defendant Fisher. On April 10, 2025, she was inducted as an “honorary member” of the ACBA at a gala sponsored by VCV and attended by Defendants Vinson, Carbone, Silverman, Wilson, and Garry.
258. On May 9, 2025, she received the Robert L. Haig Award at a NYSBA event at Kartrite, again photographed with implicated state defendants. These appearances reinforced the perception of solidarity between her and enterprise actors, none of which she disclosed.
259. In *Dees v. Zurlo*, before defendants had even been served, Judge D’Agostino dismissed the case with prejudice on May 21, 2024. This dismissal insulated state defendants from discovery and accountability. Her ruling suppressed evidence of void state orders, unlawful attorney appointments, and CPS findings of abuse. By disposing of the case at inception, she denied Plaintiffs a neutral federal forum and effectively ratified the enterprise’s misconduct.
260. In *Smith v. Fisher*, No. 1:25-cv-0199, filed in February 2025, Judge D’Agostino escalated her retaliation. On July 1, 2025, she entered an order freezing Plaintiffs’ filings and denying renewed TRO/PI motions as “repetitious,” despite clear evidence of ongoing child abduction and retaliatory state orders (**Ex. 26**). By silencing federal litigation, she preserved the enterprise’s ability to operate unchecked at the state level.
261. Judge D’Agostino consistently granted one-paragraph defense requests while denying Plaintiffs’ detailed motions. She allowed conflicted AG staff and void AFC attorneys (to appear and file dispositive motions, while Plaintiffs were denied even basic response opportunities. Notably, none of the defendants’ motions to dismiss attempted to defend the legality of the attorney appointments or jurisdictional defects—relying solely on immunity.

These filings, preserved in the record (**Ex's. 27–28**), show that the defense strategy depended on her willingness to dismiss without adjudicating jurisdiction.

262. Her coordination with appellate actors is further evidenced by timing. On February 13, 2025, the Second Circuit issued a boilerplate affirmance in *Dees v. Knox* while Judge D'Agostino simultaneously reassigned *Smith v. Fisher* back to herself, foreclosing appellate remedies while consolidating control in NDNY. This dual issuance suggests impermissible ex parte communications between NDNY and the Second Circuit.

263. Judge D'Agostino's misconduct directly injured Plaintiffs by extinguishing access to a neutral federal tribunal, depriving them of whistleblower protections, and entrenching retaliatory state orders. Her rulings perpetuated unlawful custody transfers, suppression of CPS founded findings, obstruction of ADA rights, and the reputational destruction of Plaintiffs through laundering of defamatory state rulings into federal records.

264. Her conduct constitutes predicate racketeering acts including Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Tampering and Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and Conspiracy to Conduct Racketeering (§ 1962(d)).

U.S. Court of Appeals for the Second Circuit — Judges William Nardini, Joseph Bianco, and Clerk Catherine O'Hagan Wolfe

265. Plaintiffs allege that Defendants Nardini and Bianco, acting in concert with Clerk Wolfe, used the Second Circuit as an instrument of the enterprise, obstructing appellate review and laundering unlawful dismissals into precedential federal records.

266. On June 4, 2024, Plaintiffs noticed appeal in *Dees v. Knox*, No. 24-1574, following Judge D'Agostino's dismissal of *Dees v. Zurlo* on May 21, 2024. Despite fully briefed motions, the panel of Judges Parker, Nardini, and Bianco convened oral argument on February 7,

2025, where defendants did not even appear. The panel asked no substantive questions, and within six days—on February 13, 2025—issued a boilerplate summary affirmance, even though recusal motions against Judge D’Agostino remained unresolved.

267. On February 13, 2025, the very day of the affirmance in *Dees v. Knox*, Judge D’Agostino signed an NDNY direct-assignment order consolidating *Smith v. Fisher* (1:25-cv-0199) back to her courtroom. Plaintiffs allege this lockstep timing reflects impermissible ex parte communications between NDNY and the Second Circuit.

268. In *Dees v. Zurlo*, No. 25-1270, Nardini and Bianco again sat on the panel. On August 28, 2025, they summarily dismissed the appeal as “lacking an arguable basis,” despite the record proving that underlying state orders were void ab initio due to unlawful attorney appointments and jurisdictional nullity (**Ex. 29**).

269. In *Smith v. Fisher*, Nos. 25-692 and 25-1642, panels dismissed appeals with boilerplate orders, without appellee briefing and without addressing jurisdiction. These perfunctory dismissals sustained unlawful custody transfers and silenced ADA claims (**Ex. 30**).

270. Clerk Wolfe transmitted every such ruling “FOR THE COURT,” cloaking perfunctory dismissals in institutional authority. Plaintiffs allege Wolfe deliberately obstructed filings, withheld motions from judicial consideration, and timed transmissions to synchronize with NDNY proceedings. On multiple occasions, filings disappeared from the Second Circuit docket, only to reappear after adverse rulings, evidencing manipulation.

271. Plaintiffs allege these Second Circuit rulings were not neutral adjudications, but retaliatory acts designed to protect conflicted state and federal defendants, prevent review of fraudulent attorney appointments, and foreclose federal remedies for Plaintiffs.

272. The consequences of this misconduct were devastating: Plaintiffs were denied appellate relief, unlawful state orders were laundered into “federal finality,” and retaliation was emboldened—culminating in the September 2025 abduction of Plaintiffs’ child under cover of void protection orders.

273. Predicate racketeering acts. Defendants Nardini, Bianco, and Wolfe’s conduct constitutes Wire Fraud (18 U.S.C. § 1343); Obstruction of Justice (§§ 1503, 1511); Witness Retaliation (§§ 1512–1513); Deprivation of Rights Under Color of Law (42 U.S.C. § 1983); and RICO Conspiracy (§ 1962(d)).

Tina Versaci — Federal Court Bar Association (NDNY-FCBA)

274. Tina Versaci served as Executive Director of the NDNY Federal Court Bar Association (a private nonprofit). Plaintiffs allege that, beginning after January 2024, her public-facing role placed her in regular proximity to NDNY judges and court personnel, including Judge D’Agostino, during the pendency of Plaintiffs’ federal cases.

275. Photographs, programs, and event materials show repeated bar-event interactions among Tina Versaci, NDNY judges, and state-court actors named as defendants in Plaintiffs’ matters. These materials document close professional association between the NDNY bench and state judiciary/attorneys appearing across Plaintiffs’ cases.

276. Plaintiffs allege that, because Tina Versaci is married to Acting Justice Versaci (a state-court defendant in related proceedings), her contemporaneous proximity to NDNY judges through NDNY-FCBA activity created an appearance of influence and compromised the perception of neutrality in federal proceedings involving her spouse’s state-court cohort. Plaintiffs further allege no curative disclosures were made to address that appearance of conflict.

277. Plaintiffs do not contend that Tina Versaci controlled NDNY dockets or issued directives.

Rather, they allege her private, nonprofit role functioned as a conduit for relationships and access that helped normalize ongoing contact between NDNY judges and state-court actors who were defendants in Plaintiffs' federal suits—blurring the lines between private bar activity and public adjudication.

278. The alleged harm from Tina Versaci's conduct is institutional and reputational: erosion of litigant confidence in a neutral federal forum, heightened appearance of partiality, and the entrenchment of relationships that, from Plaintiffs' perspective, tilted the playing field in matters implicating her spouse's state-court network.

279. To the extent her conduct furthered the enterprise's cohesion across forums, Plaintiffs plead RICO conspiracy (18 U.S.C. § 1962(d)) premised on agreement and association with enterprise actors, and mail/wire transmissions related to event programming and communications (18 U.S.C. §§ 1341, 1343). Plaintiffs expressly limit these allegations to appearance-of-influence and association; they do not allege that Tina Versaci herself controlled case assignments, filings, or court orders.

LAW ENFORCEMENT DEFENDANTS

280. Plaintiffs allege that Defendants Michael Zurlo (Sheriff, Saratoga County), Jeffrey Brown (Undersheriff, Saratoga County), Elaine Rudzinski (Chief, East Greenbush PD), Michael Guadagnino (Detective Sergeant, East Greenbush PD), Steven James (Superintendent, NYSP), Chris Gilroy (Commander, NYSP Troop G), Amanda Nissen (Counsel, NYSP), Sergeant Daniel Skiba (NYSP), Trooper Brandon Calhoun (NYSP), and Deputy Jay Gravelle (Rensselaer Sheriff, Goff School Resource Officer) acted under color of law but wholly outside the scope of legitimate law-enforcement duty.

281. Collectively, these defendants engaged in a deliberate, continuous pattern of racketeering activity and retaliation against Plaintiffs as federal witnesses. Since at least 2022, they had repeated notice that Saratoga proceedings were jurisdictionally void and that Plaintiffs faced escalating threats—including domestic violence, stalking, arson, fraudulent insurance schemes, and child endangerment. Despite this notice, they refused enforcement and instead weaponized their offices to protect enterprise actors.
282. Their misconduct was not passive neglect but active collusion. They suppressed evidence, falsified reports, interfered with subpoenas, retaliated against Plaintiffs' speech, and affirmatively aided criminal acts such as child abduction and custodial interference.
283. This misconduct reached its apex on September 3, 2025, when Gravelle (acting as Goff Middle School SRO) joined with East Greenbush PD under Rudzinski and Guadagnino to aid and abet the abduction of Plaintiffs' youngest daughter—despite explicit notice that only Plaintiff was authorized for pickup. This retaliation was timed to obstruct Plaintiffs' imminent federal filings and inflicted direct, irreparable harm on Plaintiffs and their child.
284. Qualified immunity provides no protection for knowingly violating clearly established rights—including due process, equal protection, familial integrity, and protection against retaliation for federal activity. Nor does sovereign immunity shield affirmative misconduct such as falsifying reports, suppressing subpoenas, or aiding abductions.
285. Plaintiffs allege predicate acts under: Obstruction of Justice (18 U.S.C. §§ 1503, 1511), Witness Tampering/Retaliation (§§ 1512–1513), Conspiracy Against Rights (§ 241), Deprivation of Rights Under Color of Law (§ 242; 42 U.S.C. § 1983), Mail & Wire Fraud (§§ 1341, 1343), Honest Services Fraud (§ 1346), and RICO Conspiracy (§ 1962(d)).

286. The injuries inflicted include: the Father's Day 2022 death of Plaintiffs' unborn child, repeated child endangerment, loss of parental rights, reputational destruction, unlawful seizure of property (including identifications), emotional trauma, financial injury, and the September 3, 2025, abduction.

Sheriff Michael Zurlo & Undersheriff Jeffrey Brown (Saratoga County Sheriff's Office)

287. From 2020 forward, Zurlo and Brown received repeated complaints, affidavits, and bodycam evidence documenting stalking, harassment, insurance fraud, and domestic violence. Between March and June 19, 2022, Plaintiffs warned deputies of escalating threats. Deputies refused intervention. Plaintiffs' unborn child died on Father's Day 2022—a foreseeable result of this dereliction.

288. On Nov. 8, 2023, when Veronica violently assaulted Plaintiffs inside their home, captured on video and confirmed by CPS, Zurlo and Brown suppressed charges and concealed the arrest. The officer who properly arrested Veronica was sidelined, while those who abandoned the scene were protected.

289. They interfered with grand jury proceedings, manipulated prosecutorial review, and ensured charges were buried. This was not negligence but an enterprise-aligned effort to protect Veronica Smith, obstruct justice, and shield their own office.

290. On multiple dates in 2024–25, including Jan. 2, June 30, Oct. 10, 2024, and Mar. 31 and June 30, 2025, they were served with subpoenas and federal notices documenting fraud and child endangerment. Each was ignored or buried.

291. Zurlo used the Sheriff's Office Facebook page to block Plaintiffs from posting about corruption; Brown, while campaigning for Sheriff, blocked Plaintiffs from his campaign page. These acts retaliated against Plaintiffs' First Amendment activity under color of law.

Chief Elaine Rudzinski & Detective Sergeant Michael Guadagnino (East Greenbush PD)

292. From October 2023 onward, Defendants Chief Elaine Rudzinski and Detective Sergeant Michael Guadagnino of the East Greenbush Police Department were repeatedly placed on direct notice of escalating dangers tied to 72 Southern Avenue and Veronica Smith's misconduct. Plaintiffs provided documentation of unsafe housing, domestic violence, repeated violations of criminal protection orders, child abuse, stalking, fraudulent insurance claims, suspected arson, educational neglect, falsified school records, and ongoing custodial interference. These warnings were not speculative; they were supported by sworn affidavits, police reports, and video evidence. (See TRO Exhibits)

293. On April 11 and April 14, 2025, Veronica Smith and her contractor were captured on NYSP body-worn camera admitting that the Southern Avenue property was uninhabitable and unsafe for children. That footage, which was directly taken by EGPD, confirmed criminal fraud and child endangerment. Yet Rudzinski and Guadagnino refused to act. They ignored clear evidence of criminal conduct, concealed the admissions, and shielded Veronica from consequences. Plaintiffs allege that from this moment forward, both officers shifted from passive inaction to active retaliation, determined to punish Plaintiffs for repeatedly calling out their failures since October 2023.

294. On September 3, 2025, retaliation took its most brazen form. Guadagnino personally inserted himself into the dismissal process at Goff Middle School, where Plaintiffs' youngest daughter was unlawfully released to her adult sibling despite explicit written and oral notice that only Plaintiff was authorized for pickup. In doing so, Guadagnino aided and abetted custodial interference and abduction, acting in concert with other enterprise participants to retaliate against Plaintiffs.

295. Plaintiffs immediately went to EG Police Headquarters to press charges for custodial interference and abduction, Rudzinski refused to even take their complaint—became openly hostile, berated Plaintiffs, and attempted to shut down the record of her officer’s misconduct. This refusal was not discretionary; it was part of a deliberate cover-up designed to protect her subordinate, suppress proof of retaliation, and insulate EGPD from liability after they had already been caught ignoring fraud and abuse on the April 11 and 14 bodycam footage.

296. Plaintiffs allege that Rudzinski and Guadagnino’s misconduct was not negligence but calculated retaliation, carried out after they were exposed for ignoring evidence of fraud and criminal conduct. By weaponizing their authority against Plaintiffs, disregarding the truth of the child’s coerced statements, and attempting to conceal their complicity, they inflicted direct trauma on the child, deprived Plaintiffs of their lawful custodial rights, and entrenched EGPD as a willing arm of the racketeering enterprise.

NYSP — Superintendent Steven James, Commander Chris Gilroy, Sgt. Daniel Skiba, & Trooper Brandon Calhoun

297. Plaintiffs allege that James, Gilroy, Skiba, and Calhoun acted not as neutral officers but as enterprise operatives.

298. James, as Superintendent, had statewide responsibility. Since 2022, he received hundreds of complaints, affidavits, and two Court of Claims filings naming NYSP for suppression of evidence. After January 2024, he had actual notice that Plaintiffs were federal witnesses, yet he preserved retaliation.

299. Gilroy, as Troop G Commander, ignored notices from 2022–25. On July 2, 2024, he dispatched troopers to Plaintiffs’ home not to protect but to threaten them against contacting leadership—captured on Ring device—an act of witness retaliation.

300. In July and August 2024, James and Gilroy ignored assaults on Plaintiff Dees inside courthouses, captured on video in front of judges. No charges were filed; subpoenas were buried. Evidence of Veronica's theft, fraud, custodial interference, domestic violence and tax crimes was ignored.
301. On September 2, 2025, while Plaintiffs were physically present at Troop G seeking enforcement of a valid custody order, Defendants Superintendent James and Commander Gilroy knowingly permitted Sergeant Skiba and Trooper Calhoun to abandon their oaths and act wholly outside lawful authority. In full view of law enforcement, Veronica Smith brazenly admitted she would not comply with the standing custody order. Rather than enforce the order and protect the child, officers allowed her to walk away with the child in direct defiance of state law and judicial decree. This was not error or oversight. It was a calculated refusal, executed against Plaintiffs—federal witnesses already under retaliation—proving that the enterprise's reach extended into the highest levels of the State Police.
302. Rather than protect Plaintiffs or the child, Skiba and Calhoun escalated the retaliation. They unlawfully demanded identification from Plaintiff Dees without probable cause, seized and withheld her driver's license, and falsified Domestic Incident Reports (DIRs). In those reports, they erased Veronica's misconduct, excluded Plaintiffs' sworn statements, and replaced truth with a false narrative designed to criminalize the protective parents. By submitting falsified reports into the statewide DCJS system, they did not simply shade the record—they weaponized it to further the enterprise's smear campaign.
303. These actions were not about discretion, nor about protecting the child. They were about weaponizing the child as a tool of retaliation, suppressing federal witnesses, and insulating

an abuser. From Superintendent James down to Trooper Calhoun, NYSP chose to protect Veronica and her enablers, while re-victimizing the child and targeting the Plaintiffs.

304. The September 4, 2025, family court transcript confirmed that, despite blatant defiance, troopers refused to act. They permitted the child to be unlawfully withheld and—rather than arrest the wrongdoer—aligned with her. Attorney Resta-Tobin then stood in open court and bragged that she had “talked the State Police out of charges.” The transcript confirms a coordinated scheme: law enforcement and counsel working together to obstruct custody enforcement, falsify the narrative, and facilitate the abduction of a child.

Counsel Amanda Nissen (NYSP)

305. As counsel for NYSP, Amanda Nissen bore responsibility for subpoena compliance. Instead of complying, she became an active participant in concealment.

306. From June 2022 onward, Nissen aligned NYSP disclosure practices with enterprise goals. She obstructed bodycam production, suppressed records of arson fraud and custodial interference, and conspired with enterprise attorneys to block subpoenas.

307. On Aug. 6, 2025, she deliberately refused compliance with duly issued subpoenas for NYSP records—an affirmative act of obstruction to shield enterprise actors.

308. Nissen’s acts were deliberate, not negligent. By obstructing subpoenas and suppressing records, she engaged in racketeering conduct and deprived Plaintiffs of evidence critical to their cases and safety.

Deputy Jay Gravelle (Rensselaer Sheriff’s Office, School Resource Officer)

309. On September 3, 2025, Defendant Deputy Jay Gravelle, acting as School Resource Officer at Goff Middle School, did not merely stand by during the abduction of Plaintiffs’ daughter—he actively participated in it. Well before school dismissal, Gravelle conducted

improper interviews with the child, outside the presence of her lawful custodial parent.

During these interviews, the child stated clearly that she had no fear of her father.

310. The only “fear” expressed was a manufactured one—that her father might “run with her out of the country and she would never see her mother, grandparents, or siblings again”—a narrative the child admitted had been told to her by her mother. Despite knowing that this was not the child’s own fear but the product of manipulation, Gravelle chose to act on the mother’s false narrative rather than the custody order that was already in effect.

311. By releasing the child to her adult sibling without custody rights—despite explicit written and oral notice that only Plaintiff was authorized—Gravelle committed custodial interference under color of law. His misconduct was not an isolated lapse, but a coordinated act of retaliation aligned with EGPD and the NYSP.

312. By entertaining and advancing the mother’s fabricated narrative, Gravelle became complicit in psychological abuse of the child, facilitated her abduction, and then joined in efforts to cover up the unlawful release by minimizing records and suppressing the truth of what the child had actually said. This conduct inflicted direct trauma on Plaintiffs and his daughter and exemplifies how school and law-enforcement resources were weaponized as instruments of the enterprise to retaliate against federal witnesses.

STATE ATTORNEY GENERAL AND DISTRICT ATTORNEY DEFENDANTS

313. Plaintiffs allege that Defendants Letitia James (Attorney General of New York), Jennifer Corcoran (AAG), Beezly Kiernan (AAG), Karen Heggen (former DA of Saratoga County), Emily Williams (ADA, Saratoga County), and Mary Pat Donnelly (DA, Rensselaer County) did not act as neutral prosecutors or guardians of justice. Instead, they became direct

architects and enforcers of the racketeering enterprise, weaponizing prosecutorial discretion as a retaliatory shield for unlawful conduct.

314. Their actions were not prosecutorial judgments entitled to immunity but administrative, conspiratorial, and retaliatory conduct—designed to conceal enterprise crimes, silence federal witnesses, and obstruct justice. By acting outside lawful authority, they stripped themselves of sovereign and prosecutorial immunity. (*Stump v. Sparkman*, 435 U.S. 349 (1978); *Dennis v. Sparks*, 449 U.S. 24 (1980); *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993); *Kalina v. Fletcher*, 522 U.S. 118 (1997)).

315. Collectively, these defendants engaged in predicate racketeering acts including obstruction of justice (§§ 1503, 1511, 1519), witness tampering and retaliation (§§ 1512–1513), conspiracy against rights (§ 241), deprivation of rights under color of law (§ 242; 42 U.S.C. § 1983), mail and wire fraud (§§ 1341, 1343), honest-services fraud (§ 1346), fraud upon the court, and racketeering conspiracy (§ 1962[d]).

316. The consequences were catastrophic and foreseeable: the death of Plaintiffs’ unborn child (June 19, 2022); the endangerment of surviving children; the silencing of federal whistleblowers; deprivation of custody, financial ruin, reputational destruction, and the loss of access to neutral judicial forums. These injuries were not incidental—they were the intended product of retaliation by prosecutors who abandoned their oaths.

Letitia James — Attorney General of New York

317. Plaintiffs allege that AG James transformed the Office of the Attorney General into a fortress for the enterprise. From 2020 onward, she was repeatedly placed on notice of fraudulent attorney appointments, void support orders, unlawful protection orders, insurance crimes, arson, trust theft, and child endangerment.

318. On December 10–12, 2022, Plaintiffs lodged ethics complaints regarding unlawful AFC appointments. On March 30, 2023, they issued a litigation hold; on October 19, 2023, they provided fire hazard warnings; on January 17, 2024, they served a Notice of Claim and litigation hold; on March 9 and April 24, 2024, they submitted contractor/arson fraud evidence; on September 18, October 16, October 22, and October 24, 2024, they submitted insurance fraud complaints; on March 4, 2025, they documented underage labor at 72 Southern; and on June 11, 2025, they submitted photographs of unsafe property.

319. In every instance, James refused to prosecute or intervene, instead directing her deputies to defend void orders in Court of Claims actions (Nos. 139698, 139760, 140165, 141698, 142300, 142836). By protecting void orders and ignoring escalating fraud, James acted not as chief law enforcement officer of the State but as chief protector of the enterprise.

Jennifer Corcoran — Assistant Attorney General

320. On January 30, 2025, AAG Corcoran appeared in Plaintiffs' Article 78 against Judge Versaci. Rather than defend on the merits, she and Versaci deliberately refused to participate, allowing the AD3 to leave the petition unresolved and thereby insulate unlawful AFC appointments indefinitely.

321. Weeks later, Corcoran appeared in *Smith v. Fisher* (1:25-cv-0199) representing Defendants Versaci, Fisher, and Mayberger—actors with whom she maintained close professional and personal ties. Plaintiffs had been forced to file in federal court only after the state courts uniformly obstructed their access to justice, suppressing jurisdictional challenges, ignoring unlawful appointments, and refusing to adjudicate fraud. Rather than restore neutrality in the federal forum, Corcoran extended the obstruction into NDNY, ensuring that the very state-court actors who had silenced Plaintiffs would remain protected under federal cover.

322. In 2025 alone, Plaintiffs placed Corcoran on notice more than twenty times of unlawful attorney appointments, ADA retaliation, and systemic fraud. Despite this, she refused to even address the threshold jurisdictional challenges, fully aware that Versaci, Fisher, and Mayberger held no lawful jurisdiction and therefore no immunity.

323. Instead of acknowledging these fatal defects, Corcoran chose to illegally represent them at taxpayer expense, knowing that their acts were criminal in nature and outside the scope of judicial protection. Her responses were limited to boilerplate one-paragraph dismissal letters, which Judge D'Agostino immediately granted, imposing discovery stays without motion practice. Plaintiffs allege this was not legal advocacy but active obstruction and retaliation, designed to shield state-court actors who had no jurisdiction from federal accountability.

324. Corcoran never once produced an order of appointment, affidavit of indigency, or statutory authority. Plaintiffs allege her role was not advocacy but deliberate obstruction and retaliation, ensuring that the enterprise's fraud remained intact.

Beezly Kiernan — Assistant Attorney General

325. Beginning in 2023, AAG Kiernan entered appearances in Plaintiffs' Article 78 petitions (Smith/Dees v. Pelagalli, Zurlo, Heggen; Smith/Dees v. Wait, Zurlo, Heggen) despite actual notice that no lawful AFC or 18-B appointments existed and that the proceedings were void ab initio. Even then, Kiernan had the opportunity and duty to halt the misconduct but instead chose to defend orders he knew were fraudulent and jurisdictionally defective.

326. By 2025, Kiernan extended this obstruction into the federal arena. He appeared in Plaintiffs' Second Circuit appeals (25-692, 25-1642) on behalf of Versaci, Mayberger, and Fisher, despite knowing that each held no jurisdiction and therefore no immunity. At no point did

Kiernan produce a single order of appointment, affidavit of indigency, or jurisdictional foundation to justify his defense.

327. Plaintiffs allege that Kiernan, much like Corcoran, was not engaged in lawful defense but in a cover-up of criminal misconduct. He had been placed on notice as early as 2023 through the Article 78's, yet instead of correcting the fraud, he carried it forward into NDNY and the Second Circuit, ensuring that fraudulent attorney appointments, void rulings, and retaliatory findings would survive in every forum. His conduct was not advocacy—it was cross-forum racketeering, knowingly advancing enterprise objectives at taxpayer expense.

Karen Heggen — Former Saratoga County District Attorney

328. From July 31, 2020, when she received notice that Veronica filed a falsified Statement of Net Worth, until her departure in August 2025, DA Karen Heggen refused to prosecute fraud, perjury, tax crimes, trust theft, assaults, domestic violence, and child endangerment despite overwhelming notice.

329. Between April and June 2022, while Plaintiff Dees was pregnant, Plaintiffs repeatedly warned Heggen of escalating harassment and stalking. She refused intervention. On June 19, 2022, Plaintiffs' unborn child died—a foreseeable tragedy her office could have prevented.

330. On September 22, 2022, at a campaign event—just three months after Plaintiffs' loss—Heggen confronted Plaintiff Dees, sneering, “I know who you are. I’ve seen you talk about me online, and I don’t want to talk to you.” She then fled and hid to avoid further engagement. This callous response proves her knowledge of their whistleblowing, retaliatory animus, and deliberate refusal to act against enterprise misconduct.

331. In July 2023, Plaintiffs discovered Tile trackers in their child’s shoes; Heggen refused to investigate. In August 2023, despite school findings of educational neglect, she refused to

prosecute falsified credits. In October 2023, despite proof that Veronica unlawfully drew SNAP benefits in two counties, she again refused action.

332. On November 8, 2023, when Veronica assaulted Plaintiffs in their home, Heggen suppressed charges despite overwhelming evidence (**Ex. 16**). Through 2024–25, despite multiple referrals (Feb. 26, Apr. 16, May 24, Oct. 10, 2024; Aug. 14, 2025), she refused to prosecute perjury, fraud, or protection-order violations. Plaintiffs allege Heggen’s role was not negligence but systematic obstruction and retaliation.

333. Plaintiffs further allege that DA Heggen’s refusal to prosecute was not limited to Plaintiffs’ own referrals. Even when law enforcement officers themselves repeatedly brought her evidence and referrals for criminal charges—including fraud, perjury, domestic violence, child abuse, and repeated violations of protection orders—Heggen flatly refused to act.

334. She used her office to ensure Plaintiffs remained in constant danger, deliberately exposing them to escalating harm. This pattern was not passive neglect but active orchestration of danger, calculated to keep Plaintiffs under unrelenting stress, fear, and retaliation, consistent with the enterprise’s goal of breaking them psychologically and physically.

Emily Williams — Assistant District Attorney, Saratoga County

335. Acting under DA Heggen’s supervision, ADA Emily Williams functioned not as a neutral prosecutor but as a direct enforcer of the enterprise. In 2024, she twice refused to prosecute assaults of Plaintiff Dees by James Bennett inside the courthouse—attacks captured on video and corroborated by witnesses.

336. Williams also ignored repeated criminal protection-order violations by Veronica Smith in 2024–25, declined to act on multiple referrals of fraud and perjury, and instead regularly appeared in court flanked by DA bodyguards who openly fraternized with Veronica and the

Bennetts—even while protective orders were in effect—demonstrating not neutrality but alignment with abusers, leaving Plaintiffs unprotected and vulnerable to further attacks.

337. Recordings confirm Saratoga DA staff admitting that Heggen and Williams instructed employees not to speak with Plaintiffs, effectively cutting them off from any prosecutorial access. Plaintiffs allege this was not prosecutorial discretion but active witness retaliation, designed to silence Plaintiffs' whistleblowing and isolate them from legal recourse.

338. Plaintiffs further allege that Williams worked in concert with Judge Wait to retaliate against them. She was repeatedly accompanied by bodyguards—ensuring her own safety—yet she deliberately left Plaintiffs exposed to danger, despite knowing they faced ongoing harassment, assaults, and stalking.

339. Williams's and Heggen's animus was open and personal: they sought to prosecute Plaintiffs to the fullest extent for minor allegations of harassment, while at the same time refusing to prosecute violent assaults, fraud, or retaliatory perjury committed against them.

340. Plaintiffs allege this double standard was not lawful judgment but outright hate, carried out in lockstep with Heggen, weaponizing prosecutorial power to punish Plaintiffs while protecting enterprise actors. These allegations were advanced by an attorney who had no interest in exposing herself or the enterprise, but rather in shielding it from accountability. The charges she pursued—and the retaliatory prosecutions she engineered—form an entirely separate line of misconduct that is addressed in the first RICO case, underscoring the cross-forum reach of the enterprise's retaliation.

Mary Pat Donnelly — Rensselaer County District Attorney

341. From the outset of Plaintiffs' interactions with DA Donnelly, she was placed on unmistakable notice that a RICO lawsuit had been filed against Saratoga County. Plaintiffs

personally provided her with a copy of the complaint, making clear that the misconduct of Saratoga officials, attorneys, and judges was part of an ongoing racketeering enterprise. Despite this notice, Donnelly chose to ignore repeated violations and shield the enterprise, acting not as a prosecutor but as its protector.

342. Donnelly's misconduct was not neutral or bureaucratic—it was personal. She maintained long-standing, close ties to Chief Elaine Rudzinski of the EGPD, with whom she and her office had been aligned for years. Plaintiffs allege that these relationships ensured that EGPD and the DA's office would protect one another at all costs, even in the face of overwhelming proof of fraud, violence, and child endangerment.

343. By October 2023, Donnelly was on notice—through sworn affidavits—that the residence at 72 Southern Avenue was overcrowded, structurally unsound, and unlawfully occupied by minors. She refused to intervene. When the December 28, 2023, fire occurred, Donnelly received affidavits, financial records, and testimony documenting insurance fraud, contractor fraud, unlicensed demolition, and spoliation of evidence. She nevertheless instructed police not to pursue charges, ensuring that no accountability would attach to enterprise actors.

344. In December 2023, while Plaintiff Dees was protected by a valid criminal order of protection, Veronica Smith stalked and harassed her, even admitting her conduct in police reports. Despite this direct admission, EGPD referred the violation to Donnelly's office, which refused prosecution—granting Veronica effective immunity and sending a message that enterprise-aligned abusers could violate protective orders without consequence.

345. On April 11 and April 14, 2024, bodycam footage captured Michael Bellinger and Veronica Smith openly admitting to insurance fraud, illegal demolition, and cover-ups involving town

officials. Donnelly's office received this evidence, yet again she refused to prosecute—further proving her role as an active protector of enterprise crimes.

346. Donnelly also maintained personal ties to Emily Steinbach, a relative of Defendant Blair, compounding her conflicts of interest.

347. 2023–2025, Donnelly's office ignored referrals of domestic violence, custodial interference, trust fraud exceeding \$60,000, perjury, tax fraud, and insurance fraud. On August 14, 2025, when Plaintiffs demanded prosecution of Veronica Smith and Resta-Tobin for perjury and obstruction, Donnelly again refused—confirming that her office had become an active shield of the enterprise, protecting not the public but her co-conspirators and personal allies.

OCFS / CPS DEFENDANTS

348. Defendants DaMia Harris-Madden (Commissioner, OCFS), Michael P. McMahon (Commissioner, Rensselaer DSS), Tonya Boniface (OCFS Deputy Commissioner), Emily Steinbach (OCFS Chief of Staff and East Greenbush School Board Member), Denise Mongiello (CPS Supervisor, Rensselaer DSS), and Amy W. Cohen (OCFS Administrative Law Judge) each held policymaking or adjudicative authority and acted under color of law, but outside the bounds of lawful duty. No immunity attaches.

349. These defendants were repeatedly placed on direct notice through substantiated CPS findings, sworn police reports, medical records, videos of violence, and evidence of unsafe housing. Instead of enforcing the law, they falsified records, prematurely closed founded cases, fabricated excuses to avoid intervention, and obstructed compliance with subpoenas.

350. On Nov 8, 2023, CPS formally recognized maltreatment after Veronica Smith's assault and violation of protective orders. Yet within weeks, CPS defendants contradicted their own

findings, declaring “no safety factors present.” On Dec. 12, 2023, the State Central Register indicated Veronica for Inadequate Guardianship.

351. On Jan. 12, 2024, Rensselaer CPS opened Case No. 28447101 regarding the condemned home at 72 Southern. Mongiello never conducted a home visit. Instead, she covered for Veronica’s lies about her residence, and CPS accepted it without verification. Steinbach used her dual positions to block access and shield Veronica. By Apr. 25, 2024, CPS closed the case with the knowingly false claim that Veronica left the county.

352. On July 31, 2025, after Veronica’s Apr. 11, 2025, mental-health breakdown and re-entry into the condemned 72 Southern property, CPS again opened a case. This time Tonya Boniface, leveraged her OCFS position while her husband (Steve) falsified building approvals, working in concert to ensure no intervention.

353. In July 2025, CPS defendants were personally served with duly issued judicial subpoenas compelling production of records by August 6, 2025. They neither moved to quash in advance nor sought protective relief—they simply defaulted.

354. Two days after the compliance deadline, on August 8, 2025, Rensselaer, through County Attorney Cramer belatedly filed a motion to quash. That motion was never granted, and no order excused CPS’s obligations.

355. On August 8, 2025—the very day Rensselaer belatedly moved to quash subpoenas—ALJ Cohen, a close personal friend of Corcoran, rushed out an “unfounding” order erasing the December 2023 substantiated abuse finding against Veronica and sealing the case.

356. By August 11, 2025—CPS failed to appear to testify under judicial subpoena. The product of coordination among Cohen, Cramer (a close personal ally of Resta-Tobin), Resta-Tobin herself, and Warzek, who maintains personal ties to Cohen’s family.

357. Defendant Steinbach was not a neutral administrator but an embedded enterprise actor whose overlapping roles gave her extraordinary leverage across CPS, the DA Office, and the school district. While serving on the EG School Board, Steinbach voted on budgets, salaries, and policies directly impacting Superintendent Simons and Assistant Superintendent Stiles—both implicated in educational fraud, truancy concealment, and retaliatory conduct.
358. Plaintiffs allege Steinbach leveraged her Board authority not as a neutral policymaker but to shield her own family: she is closely related to Defendant Blair. This relationship created a structural conflict of interest that tainted every decision she made. Through this dual role, Steinbach ensured that Veronica and Blair were given total latitude—records were withheld from Plaintiffs, fraudulent credits were fabricated to cover years of truancy, and even child-labor schemes were ratified under the district’s watch. Steinbach’s presence on the Board converted the School District into an arm of the enterprise, using family influence to conceal abuse, fraud, and retaliation.
359. Steinbach is also a close personal associate of DA Donnelly and former Superintendent Simons. Plaintiffs allege that through those relationships she pulled strings to guarantee non-prosecution of Veronica and Blair, suppression of domestic-violence complaints, and concealment of educational neglect. Her ties to Blair as a family member cemented her personal motive to protect him, while her institutional influence ensured that CPS, the DA’s Office, and the school district all acted in lockstep.
360. Plaintiffs allege that every single CPS defendant named herein—and their supervisors—was kept on repeated, direct notice of the ongoing retaliation, child abuse, DV, fraud, and endangerment connected to Veronica Smith and Steve Blair. From December 2023 forward, each defendant received or had access to substantiated CPS reports, police records, medical

documentation, subpoenas, and federal litigation filings documenting these dangers. Despite this constant stream of notice, not one intervened.

361. These coordinated acts were not discretionary errors. They were deliberate enterprise tactics.

By abandoning their statutory duty to protect children, these defendants acted as racketeering participants, committing predicate acts including obstruction of justice (18 U.S.C. §§ 1503, 1511, 1519), witness tampering and retaliation (§§ 1512–1513), conspiracy against rights (§ 241), deprivation of rights under color of law (§ 242; 42 U.S.C. §§ 1983, 1985), falsification of public records (N.Y. Penal Law § 175.35), mail and wire fraud (§§ 1341, 1343), and racketeering conspiracy (§ 1962[d]).

362. The harm is ongoing and catastrophic: children remain in unsafe, uninspected housing; founded abuse has been erased from the record; Plaintiffs’ federal rights have been openly defied; and federal witnesses have been retaliated against to shield abusers. The defendants, each with final authority in their roles, operated not as protectors but as enforcers of an enterprise designed to conceal abuse, retaliate against whistleblowers, and obstruct justice.

MEDICAL PROVIDER DEFENDANTS

Defendant Julia Gross (Julia Gross Family Health, PLLC)

363. Plaintiffs allege that Julia Gross, acting through Julia Gross Family Health, PLLC, abandoned her role as a physician and weaponized her license to advance the retaliatory objectives of Veronica Smith and the enterprise. She acted not as a medical professional bound by ethics, but as a conspirator—concealing abuse, obstructing parental rights, and retaliating against federal witnesses.

364. On Nov. 7, 2022, Gross unlawfully released Plaintiffs’ children’s medical records into Dees’ Colorado custody case based only on Smith’s unilateral “consent,” despite a standing 50/50

joint-decision order. That same day, she fabricated a false “death threat” allegation, later admitting she never saw the post, yet she repeated it through Veronica under oath as late as Aug. 11, 2025.

365. On Nov. 8, 2022, Gross publicly disparaged Plaintiff Smith, banned him from her practice without meeting him, and disclosed confidential information to her daughter, who republished defamatory statements online.

366. Between 2022–23, Gross prescribed contraindicated psychiatric combinations to the minor child (Buspirone with Fluoxetine, Buspirone with Escitalopram), creating black-box risks of seizures, serotonin syndrome, and suicidal ideation. She concealed suicidal thoughts, failing to notify Plaintiff who had 50/50 legal rights.

367. Gross obstructed access to records, ignoring HIPAA-compliant releases (Jan. 24, 2023; Oct. 6, 2023; Jan. 10, 2024), rejecting certified mail, and refusing subpoenas. She failed to produce documents under judicial subpoena by Aug. 6, 2025, or appear in court to testify on Aug. 11, 2025, constituting deliberate obstruction.

368. By July 2023, Plaintiffs discovered Tile trackers hidden in the child’s shoes and coercive control by Veronica causing severe psychological distress and chronic tics. Gross concealed this abuse and delayed referral for over a year, ensuring the condition became permanent.

369. Plaintiffs allege Gross’s conduct constitutes predicate acts under 18 U.S.C. § 1961(1), including health-care fraud (§ 1347), mail and wire fraud (§§ 1341, 1343), false statements (§ 1001), obstruction (§§ 1503, 1512, 1519), retaliation (§ 1513), HIPAA violations (42 U.S.C. § 1320d-6), and racketeering conspiracy (§ 1962[d]).

370. Her actions inflicted (i) direct medical harm to the child, (ii) reputational injury through defamation, (iii) deprivation of access to records impairing custody litigation, and (iv) severe emotional distress from concealment of abuse and collusion with enterprise actors.

Defendant Smile Lodge, PLLC

371. Smile Lodge, while not a central architect of the enterprise, became an indispensable tool of it by conspiring with Veronica Smith and her attorneys to withhold records, violate HIPAA, and weaponize dental treatment against Plaintiff Smith. Smile Lodge knowingly interfered with Plaintiffs' custodial rights by denying records to the lawful custodial parent while granting unilateral access to Veronica, thereby facilitating fraud and alienation.

372. Smile Lodge cooperated at key moments—coordinating with Veronica's attorneys, obstructing and issuing threats aligned with enterprise retaliation. This conduct was not incidental but a deliberate contribution to the cover-up of medical neglect and the deprivation of Plaintiffs' rights, constituting predicate acts of mail fraud, wire fraud, HIPAA violations, and deprivation of rights under color of law.

373. Despite a Sept. 19, 2023, custody order granting joint 50/50 legal decision-making, Smile Lodge accepted fraudulent authorizations from non-parents, including:

- a. Dec. 11, 2023, Veronica's fraudulent "Child Care Authorization" delegating custody to Sharon Bennett.
- b. Dec. 12, 2023 & Jan. 5, 2024 – James and Sharon Bennett signing dental authorizations despite no custody rights.
- c. Sept. 19, 2024 – Veronica's unlawful delegation of authority to the Bennetts.
- d. Oct. 7, 2024 – Veronica's purported grant of authority to Blair (her boyfriend).
- e. Oct. 8, 2024 – Blair, identifying himself only as "mom's friend," executing invasive sedation and dental consents for Smith's son.

374. Smile Lodge honored these fraudulent consents, authorized sedation, x-rays, and invasive procedures, and disclosed PHI to unauthorized individuals—all without Plaintiff Smith’s knowledge or consent, in direct violation of HIPAA and the custody order.

375. On Aug. 18, 2025, Plaintiff served a cease-and-desist notice. Instead of corrective action, Smile Lodge retaliated: on Aug. 21, 2025, it responded through counsel with threats, and on Aug. 22, 2025, it issued a “Restricted Contact” letter warning of police intervention if Plaintiff appeared for anything beyond emergency appointments.

376. Smile Lodge’s actions caused: (i) deprivation of joint custodial rights; (ii) unlawful disclosure of protected health information; (iii) physical and medical risks to the children; (iv) reputational injury through retaliatory restrictions; and (v) severe emotional distress from being stripped of lawful authority over their children’s medical care.

SARATOGA COUNTY AND ITS LEGAL ADMINISTRATORS

377. Plaintiffs allege that Saratoga County, together with George Conway (County Attorney), Dawn Phillips (Director, Assigned Counsel Program), Phil Barrett (County Supervisor), and Craig Hayner (County Clerk), acted under color of law but wholly outside the scope of legitimate authority. Their actions were not mistakes or rogue conduct, but deliberate County policies designed to protect enterprise actors, conceal fraud, and retaliate against Plaintiffs for whistleblowing.

378. From Aug. 3, 2020, when Smith v. Smith became jurisdictionally void, Saratoga County was on continuous notice that all subsequent attorney appointments and funding were unlawful. Yet the County financed fraudulent AFC and 18-B appointments, paid for forensic custody evaluations, enforced inflated support orders, obstructed CPS findings, suppressed subpoenas, and retaliated against Plaintiffs for protected federal activity.

379. Under *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978), Saratoga County is liable because its policymakers—including the DA, Sheriff, Undersheriff, County Attorney, Clerk, and Supervisor—adopted and ratified customs of fraud, retaliation, and obstruction across multiple departments: the Assigned Counsel Program, DA's Office, Sheriff's Department, Support Collection Unit, CPS, and the Clerk's Office.
380. Barrett, as County Supervisor, exercised budgetary authority to knowingly ratify taxpayer-funded fraud. Despite repeated public notice that appointments were void, he approved budgets financing them, enabling state reimbursement under Title IV-D/E.
381. Hayner, as County Clerk, manipulated filings after Aug. 3, 2020, suppressing Plaintiffs' filings while docketing fraudulent ones, and altering NYSCEF access to conceal unlawful appointments and financial fraud.
382. Conway, as County Attorney, received direct notice through Article 78s, verified claims, and letters that all 18-B appointments were void. Rather than stop the fraud, he ratified it, defended it in litigation, and directed CPS and law-enforcement counsel to obstruct subpoenas and records production—active obstruction and deprivation of rights under color of law. He further allowed Saratoga Sheriff to block public comments on social media.
383. Phillips, as ACP Director, administered the fraudulent assignment pipeline. Without affidavits of indigency or UCS-882 forms, she unlawfully placed Hinds (2021) and Resta-Tobin (2022) into Plaintiffs' matrimonial cases and continued funding Resta-Tobin through 2025. She also placed Resta-Tobin and other 18-B attorneys into Family Court matters where they appeared not as defense counsel for indigent respondents, but as petitioners' counsel—many of whom did not even reside in Saratoga County.

384. These appointments were categorically unlawful under FCA § 262 and County Law § 722, but Phillips ratified them to preserve the enterprise's Title IV-D/E funding stream. Even after Plaintiffs filed their first federal lawsuit in January 2024, she escalated misconduct by transmitting an ex parte letter to Judge Wait, which was read into the record to prejudice Plaintiff Smith and entrench the fraudulent pipeline.

385. Among the most egregious acts was the unlawful suspension of Plaintiff Smith's driver's license through the Support Collection Unit on the basis of void orders. This retaliatory act crippled his career and, by July 2024, deprived Plaintiff Dees—awaiting knee replacement surgery—of essential transportation, compounding her disability and proving collateral retaliation against a federal witness.

386. The death of Plaintiffs' unborn child on Father's Day 2022 was a foreseeable result of this systemic refusal to intervene. Had any policymaker acted—by prosecuting Veronica Smith's misconduct, enforcing protective orders, or halting fraudulent proceedings—the tragedy could have been prevented.

387. Plaintiffs allege that each department functioned as an arm of the enterprise:

- ACP continued fraudulent appointments for funding.
- DA's Office refused prosecutions and suppressed charges.
- Sheriff's Office concealed assaults and retaliated against speech.
- Support Collection Unit weaponized arrears enforcement for Title IV-D revenue.
- County Attorney ratified fraud and obstructed records.

388. Plaintiffs placed the County on formal notice through a § 50-h hearing (Feb. 2, 2024), Notices of Claim (Mar. 27 & 30, 2024), and repeated filings. Each time, officials escalated retaliation rather than correct course—proof of County policy, not isolated error.

389. On July 22, 2025, the County filed an Order to Show Cause from JHO Doern, who lacked jurisdiction under Judiciary Law § 35(8) and CPLR § 4311. The County fabricated CPLR § 2307 notice defects and invoked CPL § 160.50 in bad faith to conceal misconduct—yet another fraud upon the court.

390. Defendants' conduct constitutes predicate acts under 18 U.S.C. § 1961(1), including obstruction of justice (§§ 1503, 1511, 1519), witness tampering (§ 1512), retaliation (§ 1513), conspiracy against rights (§ 241), deprivation of rights under color of law (§ 242), mail and wire fraud (§§ 1341, 1343), honest-services fraud (§ 1346), theft/bribery concerning federally funded programs (§ 666), racketeering conspiracy (§ 1962[d]), and ADA retaliation (42 U.S.C. §§ 12132, 12203; 29 U.S.C. § 794).

391. The resulting injuries are catastrophic and ongoing: Plaintiffs' careers destroyed, credit ruined, speech silenced, family bond broken, unborn child lost, and health jeopardized. These harms are not incidental but the direct product of Saratoga County's official policy of retaliation, fraud, and concealment.

East Greenbush — Code Enforcement, Municipality, and Officials

392. Plaintiffs allege that the Town of East Greenbush, through its highest officials and final policymakers, entrenched a municipal policy of fraud, concealment, retaliation, and deliberate child endangerment. Code officials Kevin Hitchcock (Supervisor, resigned/retired April 2025) and Steven Boniface (Current Supervisor) misconduct was tied to 72 Southern, ignoring sworn warnings, falsifying inspection records, and issuing fraudulent Certificates of Occupancy that left children in a fire trap.

393. Plaintiffs further allege that Town Supervisor Jack Conway, Chief Rudzinski, and Sgt. Guadagnino are liable not only for their direct misconduct, but also as supervisors. Each

exercised ultimate authority over code enforcement, law enforcement operations, child-protection referrals, and municipal policy. Rather than safeguard families, these officials deliberately suppressed investigations into domestic violence, child abuse, educational neglect, child labor, arson, code violations, truancy, and financial fraud.

394. Even after FOIL requests compelled the Town to produce inspection files that confirmed fraud and damage, Conway, Rudzinski, and Guadagnino ignored the evidence and took no corrective action. Their failures constitute deliberate indifference under color of law and an independent basis of municipal liability.

395. On April 11 and 14, 2025, EGPD body-cam footage captured both Veronica Smith and her contractor admitting that 72 Southern was gutted, uninhabitable, and placards removed with Boniface's approval. Despite incontrovertible proof, EGPD took no enforcement action, concealed the recordings, and allowed children to remain in hazardous conditions.

396. On August 8, 2025, after finally obtaining this footage by subpoena, Plaintiffs placed state and local authorities on renewed notice through a written complaint to the NY Department of State, documenting fraudulent permits and cover-ups. Nevertheless, EGPD and Rensselaer CPS (compromised by conflicts—Tonya Boniface, spouse of Code Officer Boniface, and CPS worker Steinbeck) ignored their statutory duties, concealing violations instead of intervening. (Ex. 31)

397. On September 3, 2025, this same group aided and ratified the abduction of Plaintiffs' daughter from Goff Middle School.

398. That same day, when Plaintiffs attempted to file a custodial interference report, Chief Rudzinski refused to accept their statements, threatened both Plaintiffs, and dictated her own

fabricated narrative. Body-cam footage confirms her hostility, fabrications, and threats—deliberately silencing victims to conceal her officer’s misconduct.

399. Hitchcock, vested with final authority under Executive Law § 381 and 19 NYCRR Part 1203, received sworn warnings in Oct. 2023 of overcrowding and unsafe electrical conditions two months before the fire. He ordered no inspections, abatements, or referrals. After the Dec. 28, 2023, fire, Hitchcock and the Town concealed their failures—allowing unpermitted demolition, declining to re-post “Unsafe Structure” placards, and refusing to preserve records.

400. On April 11, 2025, after the contractor walked and withdrew his permit, Boniface retroactively falsified approvals for structural/electrical permits (#27760 and #27228) without affidavits, inspections, or compliance records. Hitchcock retired/resigned approximately a week after the contractor walked off.

401. On May 21, 2025, Boniface issued a fraudulent Certificate of Occupancy, certifying habitability despite the gutted, unsafe condition.

402. Conway ratified the scheme at the highest level. When confronted with Plaintiffs’ catastrophic losses and proof of fraud, he dismissed the matter as a financial “write-off,” remarking: “The insurance will pay out and the Town will only lose \$10,000.” This statement reveals Town policy: fraud, spoliation, and child endangerment were acceptable so long as the municipal budget remained untouched.

403. These acts strip Defendants of any immunity. Code enforcement is administrative and no qualified immunity protects officials who falsify records, ratify fraud, or endanger children. Under *Monell v. Dep’t of Social Servs.*, 436 U.S. 658 (1978), the Town bears liability because these violations were official policies ratified by its highest policymakers.

404. Each non-enforcement before the fire, each falsified permit and fraudulent CO, each obstruction, and each retaliatory refusal to abate hazards constitutes predicate racketeering acts: mail fraud (§ 1341), wire fraud (§ 1343), falsification of public records (N.Y. Penal Law § 175.35), obstruction of justice (§§ 1503, 1511, 1519), conspiracy against rights (§ 241), deprivation of rights (§ 242; 42 U.S.C. § 1983), retaliation against federal witnesses (§ 1513), theft/bribery of federally funded programs (§ 666), and RICO conspiracy (§ 1962[d]).
405. The consequences remain catastrophic: Plaintiffs' once-safe home was reduced to an unsafe, uninsurable fire hazard (loss > \$30,000); insurance proceeds exceeding \$200,000 were drained without lawful repair; Plaintiffs' credit and equity destroyed; and their children remain forced to live in a dangerously rebuilt structure. Plaintiffs' constitutional rights—due process, equal protection, and parental rights—were weaponized through fraudulent housing records ratified by the Town.

County of Rensselaer, Municipality & Officials

406. Plaintiffs allege that the County of Rensselaer, acting through County Executive Steve McLaughlin, County Attorney Carl Kempf, Assistant County Attorney Kelley Cramer, its Child Protective Services (CPS) unit, and its Sheriff's Office, adopted and enforced deliberate policies of concealment, retaliation, and obstruction that entrenched the racketeering enterprise. These actions were undertaken under color of law but wholly outside lawful authority.
407. McLaughlin, as County Executive, bore ultimate policymaking authority. By Apr. 1, 2024 (Notice of Claim), May 10, 2024 (Supplemental Claim), and Aug. 11, 2025 (notice of imminent federal litigation), he had record notice of Plaintiffs' allegations of systemic fraud, unsafe housing, and CPS concealment. Rather than intervene, McLaughlin ratified

obstruction as County policy—approving budgets and directives that shielded CPS misconduct and protected enterprise-aligned actors, including close Saratoga counterparts.

408. Kempf, as County Attorney, was repeatedly placed on notice through subpoenas, complaints, § 50-h hearings, and correspondence. He institutionalized obstruction by directing agencies to resist disclosure, frustrate subpoenas, and defend fraud in court. Kempf acted not as neutral counsel but as the legal architect of concealment.

409. Cramer personally obstructed subpoenas. In July 2025, subpoenas with an Aug. 6 deadline required CPS and law-enforcement records. Instead of complying, she coordinated with unauthorized attorney Resta-Tobin, CPS supervisors, and ALJ Cohen to file a last-minute motion to quash on Aug. 8, 2025—after compliance was due. The motion was never granted, records were never produced, and CPS failed to appear on Aug. 11, 2025. Plaintiffs allege Cramer deliberately withheld evidence of insurance fraud, arson, domestic violence, child abuse, and perjury to insulate enterprise actors.

410. CPS systematically buried founded abuse findings. On Dec. 12, 2023, CPS substantiated Inadequate Guardianship against Veronica Smith yet refused removal or oversight. In Jan. 2024, CPS opened an unsafe housing case but closed it on fabricated grounds that Veronica “no longer resided in the county.” By July 31, 2025, after Veronica’s public breakdown and return to the condemned home, CPS still refused intervention despite sworn affidavits, FOIL records, and bodycam proof of child endangerment.

411. Rensselaer County also ratified the fraudulent Certificates of Occupancy issued for 72 Southern. As the supervising county, Rensselaer had notice that the home was gutted, rebuilt without inspections, and certified habitable on falsified paperwork. Officials ignored

subpoenas, refused enforcement, and allowed children to live in an uninspected fire trap, shielding EG officials and enterprise allies.

412. On Sept. 3, 2025, a Rensselaer County Sheriff's deputy—serving as School Resource Officer at Goff Middle School—acted with EGPD to orchestrate the abduction of Plaintiff Smith's youngest daughter. The abduction was later concealed through falsified reporting and official silence, ratified by County leadership.

413. Rensselaer compounded misconduct by denying FOIL requests and appeals, refusing to produce responsive records, and concealing unlawful attorney appointments. On Aug. 11, 2025, County officials escalated obstruction by defying judicial subpoenas, failing to produce records, and failing to appear in court.

414. Under *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978), Rensselaer County bears municipal liability. The misconduct was not isolated error but official policy and deliberate indifference, stripping officials of any immunity and rendering the County itself a knowing racketeering actor.

415. These acts constitute predicate racketeering activity: mail fraud (§ 1341), wire fraud (§ 1343), honest-services fraud (§ 1346), obstruction of justice (§§ 1503, 1511, 1519), conspiracy (§ 371), conspiracy against rights (§ 241), deprivation of rights (§ 242; 42 U.S.C. § 1983), witness tampering and retaliation (§§ 1512–1513), theft/bribery re: federally funded programs (§ 666), and racketeering conspiracy (§ 1962[d]).

416. Injuries are severe and ongoing. Plaintiffs' home remains unsafe and uninsurable, fraudulent certifications block remediation, and equity and credit are destroyed. Plaintiffs' children live daily in a fire-damaged, fraudulently certified dwelling, and on Sept. 3, 2025, Plaintiffs' parental rights were directly violated when their child was abducted in defiance of a valid

custody order. These harms are concrete, constitutional, financial, and continuing, flowing directly from Rensselaer County's role in the enterprise.

Warren County & County Attorney Larry Elman, & Special Prosecutor McCarty

417. Plaintiffs allege that Warren County, acting through its District Attorney's Office, County Attorney Larry Elman, Special Prosecutor Robert McCarty, and municipal officials, deliberately aligned with Saratoga County actors to obstruct prosecutions, conceal enterprise crimes, and retaliate against Plaintiffs as federal witnesses. These actions were taken under color of law but wholly outside lawful authority.

418. McCarty, appointed as Special Prosecutor for the criminal matter arising from Veronica Smith's Nov. 8, 2023, assault on Plaintiffs, deliberately abandoned his duties despite overwhelming proof: multiple videos, sworn police reports, eyewitness crisis workers, and substantiated CPS findings.

419. Rather than prosecute, McCarty—acting with Warren and Saratoga officials—downgraded charges, suppressed evidence, and ensured dismissal. His purpose was not justice but shielding Veronica from liability and sending Plaintiffs, as federal witnesses, a message of intimidation and exclusion from protection.

420. McCarty and Warren County officials deliberately prevented the case from reaching a grand jury, where independent citizens might weigh the evidence. Veronica herself demanded trial before Judge Rybak, a compromised judge, ensuring a predetermined outcome.

421. During this sham prosecution, Plaintiffs endured harassment, intimidation, and bullying, openly tolerated by McCarty, Warren County, Rybak, and Saratoga officials as a tool of retaliation. At the time, these officials were fully aware that Plaintiffs had filed a federal

lawsuit naming state and county actors. Their coordinated goal was to bury evidence and neutralize prosecutions, confident that misconduct would be insulated from scrutiny.

422. On Mar. 4, 2024, Plaintiffs filed a Notice of Claim against Warren County. The County refused to conduct the mandatory § 50-h hearing, depriving Plaintiffs of statutory rights and demonstrating deliberate indifference.

423. Elman, as County Attorney, was repeatedly placed on notice of these violations. Rather than investigate, he told Plaintiffs to “stop contacting” his office, an act of open hostility and retaliation designed to silence federal witnesses and shield county officials.

424. These retaliatory acts were not isolated. Law-enforcement reports, CPS determinations, and school communications were manipulated or suppressed to protect Veronica and enterprise participants. Elman and McCarty’s conduct show Warren County adopted obstruction and retaliation as county policy.

425. Under *Monell v. Dep’t of Social Servs.*, 436 U.S. 658 (1978), Warren County is liable. Its refusal to prosecute, refusal to hold statutory hearings, and refusal to investigate enterprise crimes constitute official policy, stripping the County of immunity.

426. These acts constitute predicate racketeering: obstruction of justice (§§ 1503, 1511, 1519), conspiracy to obstruct (§ 371), conspiracy against rights (§ 241), deprivation of rights under color of law (§ 242), witness retaliation (§ 1513), mail/wire fraud (§§ 1341, 1343), honest-services fraud (§ 1346), and racketeering conspiracy (§ 1962[d]).

427. As a result, Plaintiffs were denied the protection of the criminal justice system, stripped of rights as victims, and deliberately left vulnerable. This abdication allowed state judges to shift blame onto the victims who never left their own home, compounding trauma and undermining the rule of law. Plaintiffs suffered significant legal costs, reputational harm,

emotional distress, and continuing threats to their safety. These harms flow directly from Warren County's obstruction, retaliation, and conspiracy, forming part of the treble damages recoverable under 18 U.S.C. § 1964(c).

Town of Clifton Park / Town Attorney Paul Pelagalli

428. Plaintiffs allege that the Town of Clifton Park, acting through its Town Attorney Pelagalli, and municipal clerks, directly participated in obstruction of justice and retaliation as part of the coordinated scheme carried out with Warren and Saratoga County officials.

429. On May 30, 2024, Plaintiffs appeared for a § 50-h hearing with the Town, testifying under oath to fraudulent schemes, tampering with criminal charges, and systemic retaliation.

430. On June 20, 2024, Town Justice Rybak dismissed all charges against Veronica Smith for the Nov. 8, 2023, assault, a ruling enabled by Pelagalli and clerks who coordinated with Saratoga and Warren officials to ensure a predetermined outcome. **(Ex. 18)**

431. That assault was preceded by deputies withdrawing protection, allowing Veronica to storm Plaintiffs' home. This pattern of non-enforcement and hostility, following harassment that had already cost Plaintiffs the life of their unborn child, was not accidental—it was retaliation. Every subsequent act—the burying of charges, falsification of records, and shifting of blame—was designed to silence victims and conceal culpability.

432. Clifton Park clerks further obstructed justice by perjuring themselves about transcripts and altering or withholding official court records. These were not clerical errors but deliberate fraud to protect enterprise actors and block Plaintiffs' access to fair process.

433. By endorsing Rybak's retaliation, shielding Pelagalli's misconduct, and permitting clerks to falsify records, the Town ratified a municipal policy of obstruction and retaliation.

434. Under *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978), the Town is directly liable. Its conduct was deliberate, conspiratorial, and retaliatory. No immunity attaches where a municipality adopts perjury, falsification of records, and obstruction as official policy.

435. Plaintiffs allege the acts of Clifton Park officials—including Pelagalli and clerks—constitute predicate racketeering under 18 U.S.C. § 1961(1): obstruction of justice (§§ 1503, 1511, 1519); conspiracy to obstruct (§ 371); conspiracy against rights (§ 241); deprivation of rights (§ 242; 42 U.S.C. § 1983); witness retaliation (§ 1513); mail and wire fraud (§§ 1341, 1343); honest-services fraud (§ 1346); and racketeering conspiracy (§ 1962[d]).

436. As a direct result, Plaintiffs were denied protection of the criminal justice system, branded as aggressors despite never leaving their home, and subjected to harassment and revictimization. The Town's collusion allowed state judges to shift blame to Plaintiffs while insulating Veronica Smith, spreading a false narrative into other jurisdictions (including Colorado custody proceedings). Plaintiffs have incurred significant legal costs, reputational injury, emotional trauma, and continuing threats to their safety.

East Greenbush Central School District (EGCSD) / Simons / Stiles / McHugh / Kotes

437. Plaintiffs allege that East Greenbush Central School District (EGCSD), through former Superintendent Jeffrey Simons, former Assistant Superintendent Roy Stiles, Acting Goff Middle School Principal James McHugh, and Superintendent Kurtis Kotes, acted not as neutral educators but as active participants in the racketeering enterprise. Kotes, as Superintendent, exercised ultimate policymaking authority over district staff and policies.

438. On Sept. 3, 2025, despite explicit written notice that only Plaintiff Smith was authorized to retrieve his daughter, Kotes and McHugh permitted and facilitated her abduction from Goff

Middle School. District staff, in coordination with EGPD, released the child to her adult sibling, despite no custody rights or lawful authority.

439. McHugh's misconduct was compounded by his dual role as a sitting member of the East Greenbush Town Board (since Jan. 1, 2024). He was fully aware of the fraudulent occupancy and hazards at 72 Southern yet leveraged his positions to shield abusers and institutions rather than protect students.

440. On Sept. 4, 2025, McHugh authored a false letter claiming Plaintiff "had the ability to exercise his supervising authority" during the abduction. Video footage proves the opposite: two officers physically blocked Plaintiff while the adult sibling removed the child. McHugh's letter was not error—it was a cover-up and falsification of records designed to shield EGPD and district officials. (Ex. 32).

441. From Oct. 2023–Jan. 2024, EGCS D unlawfully refused to enroll Plaintiff's daughter KS, despite a complete registration packet. Stiles admitted he had the paperwork but refused to process it unless submitted by Veronica. Administrators ignored their duty as mandated reporters under N.Y. Soc. Serv. Law §§ 412–416 despite Veronica's refusal to vaccinate or register. Only after Plaintiff filed a Notice of Claim (Jan. 8, 2024) did the District abruptly enroll KS the next day.

442. Between 2023–25, EGCS D repeatedly obstructed Plaintiff's federally guaranteed rights under FERPA, 20 U.S.C. § 1232g. The district ignored record requests, moved to quash subpoenas, and coordinated with Resta-Tobin to deny lawful access. Evidence later obtained from Questar III confirmed this coordination and concealment.

443. In June 2024, EGCS D unlawfully certified KS for "graduation" at 16, despite truancy, insufficient credits, and unlawful employment. Officials knowingly accepted fabricated

“homeschool credits” from Veronica relying on invalid working papers from U.S. Budokai (Warzek), lacking Plaintiff’s required parental signature. Plaintiff expressly objected, but the district’s fraudulent certification concealed prior violations of education and child-labor laws. Even Judge Pelagalli had previously found Veronica’s “homeschooling” illegal for falsifying test results and depriving the children of lawful instruction.

444. By 2025, both Simons and Stiles had abruptly departed their senior leadership roles at EGCS. Simons transitioned into an interim Assistant Superintendent position, while Stiles accepted employment with the Troy City School District. Even after leaving, both remained entangled in enterprise protection: Stiles attempted to obstruct litigation by moving to quash his subpoena—despite Troy having no standing—while Simons used his interim role to maintain influence and protect records from disclosure.

445. Across 2023–25, EGCS officials engaged in a continuous course of retaliation—blocking enrollment, concealing records, fabricating graduation, and aiding abduction. These actions transformed the district from an educational institution into an instrument of harassment, concealment, and retaliation.

446. As a direct result, Plaintiff was deprived of parenting time, denied educational access, and forced to litigate against fabricated proceedings. Plaintiffs’ children were subjected to abduction, premature graduation, educational neglect, and unlawful employment. The harms include tangible injuries—lost parenting time, emotional duress, financial loss—and constitutional violations of due process, equal protection, and familial association.

447. The misconduct constitutes predicate racketeering under 18 U.S.C. § 1961(1): Mail Fraud (§ 1341): transmission of fabricated graduation records and falsified letters. Wire Fraud (§ 1343): electronic coordination with Resta-Tobin to obstruct access. Obstruction of Justice

(§§ 1503, 1519): spoliation of school records and falsified reports. Witness Tampering & Retaliation (§§ 1512–1513): enabling abduction in retaliation for federal activity.

Conspiracy Against Rights (§ 241) / Deprivation of Rights (§ 242): denial of custody, access to records, and equal protection. Custodial Interference (N.Y. Penal Law § 135.45): aiding the Sept. 3, 2025, abduction.

Questar III BOCES / Counsel Jacob Verchereau / Administrators Mueller & Honsinger

448. Plaintiffs allege that Questar III BOCES, acting through counsel Jacob Verchereau and administrators Jennie Mueller and Tim Honsinger, functioned not as neutral educators but as active participants in the racketeering enterprise. They conspired with Veronica Smith and unlawfully embedded attorneys (including Resta-Tobin) to obstruct FERPA rights, suppress parental communications, and retaliate against Plaintiffs for exercising joint custody and pursuing federal litigation.

449. On June 26, 2024, Plaintiff Smith lawfully submitted a FERPA request for his son’s records. Federal law required production within 45 days. Instead, no records were produced. Rather than comply, Verchereau inserted Questar into unrelated state litigation, filing a letter in Saratoga Supreme Court styled as “so-ordered” by Judge Versaci—even though Questar was not a party. This maneuver, coordinated with Resta-Tobin, purported to strip Plaintiff of federal rights without notice, hearing, or jurisdiction.

450. Mueller and Honsinger deliberately excluded Plaintiff from his son’s education, school records, and functions, despite his equal 50/50 custody. Internal emails show they enforced directives barring Plaintiff from events, declaring “only Veronica” could access records.

451. Honsinger repeatedly told Plaintiff he was “not permitted at events” and denied direct access to coursework, while Mueller ratified those restrictions. These acts had no court order as basis and violated FERPA and custody orders.

452. Defendants escalated retaliation in 2024/25 school year by creating a “Parent Message – Ethan Smith” block on AS’s school email account, automatically deleting every message Plaintiff sent—even benign greetings like “Happy First Day of 10th Grade.” Staff admitted discriminatory intent: “We have made a rule that prohibits the father from contacting his son at school.” Records were labeled “confidential from dad,” despite joint custody.

453. Verchereau further retaliated by circulating defamatory letters labeling Plaintiff a “narcissist.” These ad hominem attacks were adopted by staff in decision-making about Plaintiff’s parental access, substituting bias for policy. (Ex. 33).

454. On July 22, 2025, Plaintiffs lawfully served a Subpoena Duces Tecum and Ad Testificandum on Verchereau, Questar’s counsel of record. Staff confirmed service was proper. Yet when Questar, through Verchereau and attorney Daniel Rubin, moved to quash, they falsely claimed administrators Mueller and Honsinger had not been served. This contradicted Questar’s own prior instructions.

455. Questar doubled down by filing sworn affidavits from Mueller, Honsinger, and Verchereau, repeating the false service narrative. Rubin—closely tied to the NDNY Federal Court Bar Association (where Tina Versaci holds leadership)—inserted himself into litigation before Judge Versaci, creating a closed system of protection involving judge, spouse, and counsel.

456. On Aug. 8, 2025, JHO Doern granted their motion, quashing the subpoena as “insufficient” and “overly broad.” Yet affidavits admitted records existed, while Questar confirmed

communications with unlawful counsel Resta-Tobin. Doern's ruling bore hallmarks of protectionism, particularly as his own wife had retired from BOCES after nearly 30 years.

457. Questar, Verchereau, Mueller, and Honsinger transformed retaliation into official institutional policy. They crossed from negligence into active conspiracy, leveraging state court to defeat federal rights.

458. Their misconduct constitutes predicate racketeering acts under 18 U.S.C. § 1961(1):

Obstruction of Justice (§§ 1503, 1519): laundering FERPA violations through unlawful state orders. Witness Retaliation (§ 1513): systematically cutting off communications and excluding Plaintiff as a federal witness. Mail/Wire Fraud (§§ 1341, 1343): filing fraudulent affidavits and certifications. Tampering with Public Records (N.Y. Penal Law § 175.35): redacting and concealing student data. RICO Conspiracy (§ 1962[d]).

459. As a direct result, Plaintiff was denied FERPA rights, silenced in parental communications, deprived of equal custody, and forced into costly litigation. False "confidential from dad" labels entered official records, harming reputation. Plaintiffs suffered constitutional injuries under the First and Fourteenth Amendments, financial loss, reputational harm, and profound emotional trauma from deliberate alienation from his child.

DOE DEFENDANTS

460. Defendants John and Jane Does 1–20 are presently unidentified individuals who, at all relevant times, acted under color of law and/or in concert with the enterprise. They include state and county employees, contractors, law-enforcement officers, clerks, administrators, and private participants whose identities are not yet known but who materially contributed to the unlawful acts alleged.

461. Each Doe Defendant participated in, facilitated, or ratified predicate acts of racketeering, obstruction of justice, retaliation against federal witnesses, fraud, and violations of Plaintiffs' constitutional rights. Each is sued in his or her personal capacity, and no immunity attaches to conduct outside lawful authority.

462. Plaintiffs will amend this Complaint under FRCP 15 to substitute the true names and capacities of the Doe Defendants once their identities and roles are confirmed through discovery, subpoenas, or further investigation.

463. Plaintiffs expressly reserve the right to amend this Complaint to add additional defendants—municipalities, agencies, state actors, private attorneys, contractors, or other co-conspirators—whose involvement in the enterprise and related civil-rights violations is revealed through discovery or further factual development.

464. Nothing in this Complaint shall be construed as a waiver of Plaintiffs' right to pursue claims against any additional parties whose misconduct is uncovered after filing.

CLAIMS FOR RELIEF

465. Plaintiffs incorporate by reference all factual allegations in this Complaint (§§ 1–375). These allegations detail a racketeering enterprise spanning 2020–2025, orchestrated by state and federal actors, private co-conspirators, and institutional enablers, fortified by marital, professional, and political conflicts. The enterprise's pattern of fraud, obstruction, retaliation, and constitutional violations—executed through void court orders, child abductions, financial extortion, and suppression of evidence—has caused Plaintiffs over \$500,000 in financial losses, loss of parental rights, the death of their unborn child, physical assaults, reputational harm, and ongoing threats of violence.

466.Plaintiffs seek treble damages, compensatory and punitive damages, injunctive relief, declaratory judgment, and all remedies under federal and New York law to dismantle this corrupt network, restore their rights, and deter future abuses.

**COUNT I:
Civil RICO Conspiracy (18 U.S.C. § 1962(d))
Against All Defendants**

467.Defendants knowingly and willfully conspired to violate 18 U.S.C. § 1962(c) by conducting and participating, directly and indirectly, in the affairs of an association-in-fact Racketeering Enterprise—comprising federal and state judicial officers, prosecutors, attorneys, law enforcement officials, CPS/OCFS, school personnel, municipalities, and private actors—through a continuous pattern of racketeering activity affecting interstate commerce.

468.Defendants entered into an agreement—express and implied—to conduct and participate in the affairs of the Enterprise, each committing overt acts and ratifying unlawful conduct to further its objectives. The Enterprise possessed structure, continuity, and division of roles: judges and clerks fabricated and laundered orders; attorneys filed fraudulent petitions; prosecutors suppressed charges; police facilitated abductions; OCFS falsified reports; schools concealed records; and private actors enriched themselves in fraud/ obstruction.

469.The conspiracy’s objectives were to: (a) enrich Enterprise members through fraudulent attorney appointments and misappropriated federal funds (including Title IV-D/IV-E reimbursements and 18-B/AFC payments; ¶¶ 1, 29–36, 82); (b) obstruct justice by suppressing evidence, quashing subpoenas, and manipulating dockets (¶¶ 26–28, 89–90, 112); (c) retaliate against Plaintiffs as federal witnesses and ADA-protected individuals through abductions, void protection orders, and defamatory smears (¶¶ 90–93, 140–144);

and (d) deprive Plaintiffs of constitutional rights to due process, equal protection, free speech, and familial association (§§ 85–375).

470. Each Defendant committed, attempted, or ratified at least two predicate acts within the meaning of 18 U.S.C. § 1961(1), including:

- Mail and Wire Fraud (18 U.S.C. §§ 1341, 1343): Transmitting falsified financial statements, void orders, and fraudulent filings via U.S. Mail, NYSCEF, and interstate email servers (e.g., Pelagalli’s falsified support orders; Resta-Tobin’s unauthorized petitions; §§ 1–11, 29–36).
- Honest Services Fraud (§ 1346): Diverting public funds through unlawful attorney appointments and Title IV-D reimbursement schemes (§§ 1, 29–36, 82).
- Obstruction of Justice (§§ 1503, 1511, 1519): Suppressing CPS findings, police footage, and school records; backdating orders; and quashing subpoenas (§§ 26–28, 89–90, 112, 348–359).
- Witness Tampering and Retaliation (§§ 1512–1513): Orchestrating child abductions (September 2–3, 2025) and void protective orders to silence Plaintiffs’ federal filings (§§ 90–93, 140–144).
- Extortion Under Color of Law (§ 1951): Coercing over \$4,000 per month in inflated support and forcing liquidation of retirement savings (§§ 9, 11).
- Theft or Bribery Concerning Federal Funds (§ 666): Misusing Title IV-D/E reimbursements, insurance proceeds, and federal education funds (§§ 82, 348–359).
- Civil-Rights Conspiracy (§§ 241–242): Depriving Plaintiffs of constitutional rights, including the rights to due process, equal protection, free speech, and familial association (§§ 85–375).

471. The Enterprise’s activities directly affected interstate commerce: (a) U.S. Mail and interstate wire transmissions (email, NYSCEF servers) were used to circulate fraudulent documents; (b) federal reimbursements flowed from Washington, D.C., to state and county agencies; (c) insurance proceeds and loan payments crossed state lines; and (d) retaliatory orders and defamatory records were transmitted into federal court proceedings.

472. The pattern of racketeering activity was related and continuous: unified by Enterprise goals, operating from at least 2020 to the present, and posing an open-ended threat of ongoing

criminal conduct, as demonstrated by the September 2025 abductions and continuing retaliatory litigation tactics.

473. As a direct and proximate result of Defendants' conspiracy, Plaintiffs suffered injuries to their business and property within the meaning of 18 U.S.C. § 1964(c): including but not limited to over \$500,000 in financial losses (liquidated savings, misappropriated insurance proceeds, inflated support orders; ¶¶ 9, 20–21), destruction of credit, loss of parental rights and family integrity (¶¶ 7, 26, 140–144), reputational harm via defamatory court records (¶¶ 7, 40), and severe emotional trauma, including the death of their unborn child (¶¶ 16, 28).
474. No immunity applies. Defendants' conduct was administrative, conspiratorial, retaliatory, and undertaken in the clear absence of jurisdiction. Judicial, prosecutorial, and qualified immunity are unavailable for acts that are non-judicial, ultra vires, or conspiratorial in nature (*Forrester v. White*, 484 U.S. 219 (1988); *Dennis v. Sparks*, 449 U.S. 24 (1980); *Stump v. Sparkman*, 435 U.S. 349 (1978)).
475. Plaintiffs are therefore entitled to treble damages, costs, and attorneys' fees under 18 U.S.C. § 1964(c), as well as declaratory and injunctive relief to halt ongoing violations and prevent further irreparable harm.

COUNT II
Substantive RICO Violation (18 U.S.C. § 1962(c))
Against All Defendants

476. Each Defendant is a "person" within the meaning of 18 U.S.C. § 1961(3) who, through their positions of authority, influence, or access, directly and indirectly conducted and participated in the affairs of the Racketeering Enterprise described herein. Defendants' actions constituted a pattern of racketeering activity affecting interstate commerce through the use of U.S. mails, interstate wire transmissions (including NYSCEF and email servers),

diversion of federal Title IV-D/IV-E reimbursements, misappropriation of insurance proceeds transmitted across state lines, and coordinated obstruction across state and federal forums (§§ 1–375).

477. Defendants' roles in conducting the Enterprise's affairs included:

- Judicial Defendants (§§ 15–25, 117–210): Issuing void orders, fabricating or backdating records, laundering fraudulent attorney appointments, manipulating dockets, and conspiring with clerks and attorneys to obstruct justice.
- Prosecutorial Defendants (§§ 8–14, 88–96): Suppressing charges against enterprise participants, retaliating against Plaintiffs for whistleblowing, and refusing to enforce CPS findings or police reports.
- Attorney Defendants (§§ 29–36): Filing fraudulent orders to show cause, petitions, and appeals without lawful appointment; laundering void appearances into state and federal dockets; billing taxpayers for unauthorized services; and weaponizing contempt motions and defamation campaigns.
- Law Enforcement Defendants (§§ 37–46, 140–144): Facilitating abductions, refusing to enforce valid custody orders, suppressing bodycam evidence, and conspiring with unauthorized attorneys to treat void directives as lawful.
- CPS/OCFS Defendants (§§ 47–52): Falsifying child-abuse findings, concealing founded reports, retaliating against Plaintiffs as federal witnesses, and manipulating records to shield abusers.
- School/BOCES Defendants (§§ 53–61, 348–359): Obstructing FERPA rights, falsifying graduation records, concealing attendance and registration data, and facilitating abductions from school grounds in defiance of lawful custody orders.
- Municipal Defendants (§§ 62–76): Ratifying fraud, perpetuating unlawful attorney-assignment schemes, exploiting Title IV-D reimbursements, and obstructing Plaintiffs' access to municipal records and remedies.
- Private Defendants (§§ 77–85): Perpetrating insurance fraud, arson conspiracy, financial conversion, forced child labor, tax fraud, and assaults, all in coordination with public actors to advance the Enterprise.

478. Each Defendant committed or aided and abetted at least two predicate racketeering acts under 18 U.S.C. § 1961(1), including but not limited to Mail Fraud (§ 1341), Wire Fraud (§ 1343), Honest Services Fraud (§ 1346), Obstruction of Justice (§§ 1503, 1511, 1519),

Witness Tampering and Retaliation (§§ 1512–1513), Extortion under Color of Law (§ 1951), Theft or Bribery Concerning Federal Funds (§ 666), and Conspiracy/Deprivation of Rights (§§ 241–242).

479. The Racketeering Enterprise was not ad hoc or isolated; it possessed continuity, purpose, and structure, operating openly from at least 2020 through the present and posing an open-ended threat of ongoing criminal conduct. The most recent acts—including the September 2025 abductions and retaliatory protective orders—prove that the Enterprise remains active and dangerous.

480. As a direct and proximate result of these substantive RICO violations, Plaintiffs suffered concrete injuries to business and property within the meaning of 18 U.S.C. § 1964(c), including but not limited to: more than \$500,000 in financial losses, destruction of credit, reputational harm, deprivation of lawful custody and parental rights, and severe emotional trauma culminating in the loss of their unborn child.

481. No form of immunity shields these acts. (*Dennis v. Sparks*, 449 U.S. 24 (1980); *Forrester v. White*, 484 U.S. 219 (1988)).

482. Plaintiffs are therefore entitled to treble damages, attorneys’ fees, costs, and all other relief available under 18 U.S.C. § 1964(c), including injunctive and declaratory relief to halt ongoing violations and prevent further irreparable harm.

COUNT III
Deprivation of Rights Under Color of Law (42 U.S.C. § 1983)
Against All Defendants Except Federal Judicial Defendants
(D’Agostino, Bianco, Nardini, O’Hagan Wolfe)

483. Acting under color of state law, Defendants jointly and severally deprived Plaintiffs of rights secured by the Constitution and laws of the United States. These violations were willful, knowing, and objectively unreasonable, undertaken as part of the Racketeering Enterprise:

- First Amendment: Defendants retaliated against Plaintiffs’ protected rights to free speech, petition, and association by issuing void protection orders, initiating contempt motions, abducting a minor child, suppressing federal filings, and even blocking Plaintiffs’ emails to the courts (e.g., Judge Wait’s directive to block Plaintiffs’ correspondence; Resta-Tobin’s contempt motions targeting Plaintiffs’ speech; ¶¶ 33–35, 63–65).
- Fourth Amendment: Defendants conducted unreasonable seizures through state-sanctioned child abductions on September 2–3, 2025, and through electronic surveillance, including use of Tile trackers hidden in children’s shoes to monitor Plaintiffs without warrant or consent (¶¶ 6, 17, 140–144).
- Fourteenth Amendment – Due Process: Defendants deprived Plaintiffs of fundamental liberty and property interests by convening and enforcing void proceedings without jurisdiction or notice, backdating orders, and suppressing filings (¶¶ 1–11, 97–106).
- Fourteenth Amendment – Equal Protection: Defendants engaged in selective enforcement and favoritism, shielding enterprise participants from criminal liability while aggressively targeting Plaintiffs, denying them equal protection of the laws (¶¶ 88–96, 348–359).
- Fourteenth Amendment – Familial Association: Defendants deliberately destroyed the parent–child relationship through alienation, abduction, unlawful custody transfers, and coercive tactics designed to sever familial bonds (¶¶ 7, 26, 140–144).

484. Private Defendants—including but not limited to Veronica, Blair, J. and S. Bennett, Warzek, Gross, and others—acted jointly with state officials, cloaking their conduct in the color of state law. Through coordinated efforts with attorneys, judges, law enforcement, CPS, and school officials, these private actors were empowered to commit custodial interference, fraud, and retaliatory acts as though they were the State itself (¶¶ 12–28).

485. Defendants’ actions were not judicial missteps, ministerial errors, or discretionary enforcement choices. They were deliberate, extra-jurisdictional, and conspiratorial acts taken to advance the Enterprise and retaliate against Plaintiffs as federal witnesses. Such conduct is not protected by absolute, qualified, or sovereign immunity. (*Harlow v. Fitzgerald*, 457 U.S. 800 (1982); *Dennis v. Sparks*, 449 U.S. 24 (1980)).

486. As a direct and proximate result, Plaintiffs suffered injuries actionable under § 1983, including but not limited to: over \$500,000 in financial losses (liquidated savings, inflated support obligations, diverted insurance proceeds); destruction of credit and business opportunities; deprivation of lawful custody and parental rights; reputational harm from defamatory orders and filings; and severe emotional trauma, culminating in the death of Plaintiffs' unborn child.

487. Plaintiffs are therefore entitled to compensatory and punitive damages, declaratory and injunctive relief, costs, and attorneys' fees pursuant to 42 U.S.C. § 1988, to remedy ongoing violations and prevent further irreparable harm.

COUNT IV
Conspiracy to Interfere with Civil Rights (42 U.S.C. § 1985(2)–(3))
Against All Defendants

488. Defendants conspired for the purpose of interfering with Plaintiffs' civil rights under 42 U.S.C. § 1985(2)–(3). This conspiracy had two primary objectives:

- Obstruction of Federal Access (§ 1985(2)): To deter, hinder, and intimidate Plaintiffs from pursuing redress in federal court by orchestrating abductions, issuing void protective orders, suppressing filings, and retaliating against Plaintiffs' whistleblowing and witness activity (¶¶ 140–144).
- Denial of Equal Protection (§ 1985(3)): To deprive Plaintiffs of equal protection and equal privileges of the laws, motivated by animus against Plaintiffs as pro se litigants, ADA-protected individuals, and federal whistleblowers exposing systemic misconduct (¶¶ 40, 109–111).

489. In furtherance of this conspiracy, Defendants committed numerous overt acts, including but not limited to:

- Suppressing material evidence, including CPS findings, police bodycam footage, and school records (¶¶ 89–90, 112).
- Quashing subpoenas aimed at exposing fraud and preventing Plaintiffs from presenting exculpatory or corroborating evidence (¶¶ 81, 110).

- Orchestrating assaults, intimidation, and stalking against Plaintiffs in courtrooms and residences (§§ 13, 18).
- Forum-shopping between courts, laundering void protective orders, and using unauthorized attorneys to weaponize civil proceedings as quasi-criminal prosecutions (§§ 33–35, 59–61).

490. Defendants' agreement was not incidental or parallel misconduct but a coordinated and continuing scheme to obstruct justice, retaliate against Plaintiffs for protected federal activity, and destroy their familial bonds and credibility. The conspiracy was motivated by discriminatory animus against Plaintiffs as pro se litigants who refused to submit to fraudulent attorney appointments, as ADA-protected individuals seeking accommodations, and as whistleblowers who challenged systemic corruption.

491. These conspiratorial acts directly and proximately injured Plaintiffs by depriving them of access to neutral tribunals, denying equal protection under the laws, destroying parental rights and family integrity, inflicting over \$500,000 in financial harm, and causing reputational and emotional injury, including the death of their unborn child.

492. No form of immunity applies. Judicial and prosecutorial immunity do not extend to conspiratorial or administrative conduct undertaken in clear absence of jurisdiction, nor to extra-judicial coordination with private actors. Qualified immunity fails because the rights to free speech, access to courts, due process, equal protection, and familial association were clearly established, and no reasonable official could believe it lawful to obstruct federal proceedings through abductions, suppression of evidence, or laundering void orders (*Forrester v. White*, 484 U.S. 219 (1988); *Dennis v. Sparks*, 449 U.S. 24 (1980)).

493. Plaintiffs are entitled to compensatory and punitive damages, declaratory and injunctive relief, attorneys' fees, and costs under 42 U.S.C. §§ 1985–1988, to remedy ongoing violations and prevent further irreparable harm.

COUNT V
Neglect to Prevent Conspiracy (42 U.S.C. § 1986)
Against Supervisory Defendants (Judicial, Prosecutorial, Law Enforcement, CPS/OCFS,
Education, Municipal, and Equivalent Does)

494. Supervisory Defendants had actual knowledge of the § 1985 conspiracy no later than 2022, through Plaintiffs' repeated filings, Article 78 petitions, ADA requests, motions, federal complaints, CPS reports, subpoenas, and direct correspondence (§§ 54–76). Despite such notice, each possessed authority to intervene, correct, or discipline subordinates, yet willfully neglected to act, thereby ratifying and perpetuating the conspiracy.

495. Judicial and Court Administration Supervisors:

- Wilson (Chief Judge), Zayas (Chief Administrative Judge), Murphy (Deputy Chief Administrative Judge), Singh (Administrative Judge, 4th JD), Sise (Chief Judge, Court of Claims): All had statewide supervisory authority, were repeatedly notified of void attorney appointments and jurisdictional nullities, yet reassigned cases to conflicted judges and suppressed remedies.
- AD3 Justices (Garry, Lynch, Fisher, Clark, McShan, Egan, Aarons, Fitzgerald, and others): Collectively exercised supervisory authority over AD3 panels and the docket. Despite repeated notice of jurisdictional nullities, unlawful attorney appointments, and conflicts of interest, they failed to recuse or correct proceedings, instead ratifying the conspiracy through summary denials.
- Mayberger (AD3 Clerk), Hayner (Saratoga County Clerk), and Bruce (Saratoga Supreme Court Clerk): Manipulated records, concealed filings, and manufactured backdated orders despite notice of fraud.

496. Prosecutorial Supervisors:

- AG Defendants (Letitia James, Corcoran, Kiernan): Exercised supervisory authority over litigation involving Plaintiffs. Despite repeated notice of jurisdictional nullities, fraudulent attorney appointments, and void orders, they defended unlawful proceedings, suppressed evidence, and ratified the conspiracy. James, as AG, is responsible for supervising her subordinates, who in turn acted as agents of the State in perpetuating the enterprise.
- Heggen, Williams, Donnelly, McCarty: Each supervised ADAs who suppressed charges, ignored CPS founded findings, and refused to prosecute abusers, despite notice of criminal misconduct.

497.Law Enforcement Supervisors:

- Zurlo, Brown, Rudzinski, Guadagnino, S. James, Gilroy, Skiba: All exercised supervisory control over officers who facilitated abductions, suppressed bodycam footage, and ignored valid custody orders, yet refused corrective action despite notice.

498.CPS/OCFS Supervisors:

- Harris-Madden, McMahon, T. Boniface, Steinbach, Mongillo: All supervised CPS investigators, received repeated notice of founded abuse and educational neglect, yet ratified falsified findings and retaliated against Plaintiffs.

499.Educational Supervisors:

- Kotes, Simons, Stiles, Verchereau, Mueller: All supervised educational staff who concealed attendance and graduation fraud, obstructed FERPA rights, and facilitated abductions from school grounds.

500.Municipal Supervisors:

- a. McLaughlin, Barrett, G. Conway, Kempf, Cramer, J. Conway, Elman, McCarty.

501.These supervisory failures were not negligent oversights but knowing refusals to intervene, undertaken after clear and repeated notice. Each Defendant had the power to prevent or mitigate ongoing civil-rights violations, yet their inaction directly and proximately caused the injuries alleged in Count I, including financial losses exceeding \$500,000, deprivation of parental rights, reputational destruction, and emotional trauma culminating in the death of Plaintiffs' unborn child.

502.No immunity applies. Section 1986 liability exists precisely to hold supervisory officials accountable for failing to prevent conspiratorial civil-rights violations. Judicial immunity does not apply to administrative or supervisory neglect. Prosecutorial and qualified immunity fail where officials had clear notice of unlawful conduct and failed to act. (*Pulliam v. Allen*, 466 U.S. 522 (1984); *Dennis v. Sparks*, 449 U.S. 24 (1980)).

503. Plaintiffs are entitled to compensatory and punitive damages, declaratory and injunctive relief, attorneys' fees, and costs under 42 U.S.C. §§ 1986–1988, to remedy ongoing violations and prevent further irreparable harm.

COUNT VI
Discrimination Under Title II of the ADA (42 U.S.C. § 12132)
Against Public Entity Defendants
(Saratoga County, Rensselaer County, Warren County, Town of East Greenbush, Town of Clifton Park, East Greenbush CSD, Questar III BOCES, OCFS/DSS)

504. Plaintiffs are “qualified individuals with disabilities” within the meaning of 42 U.S.C. § 12131(2), entitled to the protections of Title II of the Americans with Disabilities Act.

Defendants are “public entities” within the meaning of § 12131(1), receiving federal funds and obligated to provide nondiscriminatory access to programs, services, and proceedings.

505. Defendants intentionally discriminated against Plaintiffs by denying them meaningful access to CPS investigations, educational programs, and court proceedings. Such conduct included mocking ADA requests in open court, barring ADA coordinators from hearings, refusing to process accommodation requests, and excluding Plaintiffs from critical communications (¶¶ 109–111, 352–353).

506. These acts were not inadvertent mistakes but deliberate refusals to accommodate, designed to obstruct Plaintiffs' participation and to advance the Enterprise's retaliatory objectives.

507. As a direct and proximate result, Plaintiffs suffered injuries described in Count I, including loss of parental rights, denial of educational access, reputational harm, financial losses, and emotional trauma.

508. No immunity applies. ADA Title II claims lie against public entities and sovereign immunity is abrogated by Congress for claims involving fundamental rights, including access to courts and familial association (*Tennessee v. Lane*, 541 U.S. 509 (2004)).

COUNT VII
Retaliation Under the ADA (42 U.S.C. § 12203)
Against All Defendants

509.Plaintiffs engaged in protected activity under the ADA by requesting accommodations in judicial, administrative, and educational settings. Such requests included ADA coordinators in court proceedings, reasonable modifications to access CPS investigations, and accommodations for communication and participation (§§ 109–111, 102–104).

510.Defendants retaliated against Plaintiffs for engaging in this protected activity. Retaliatory conduct included: Mocking accommodation requests in open court. Escalating void and retaliatory orders. Threatening contempt sanctions or arrest for ADA-related requests.

511.Temporal proximity between Plaintiffs’ ADA activity and Defendants’ retaliatory conduct demonstrates causation.

512.Injuries mirror those described in Count I, including financial losses, deprivation of custody, reputational harm, and emotional trauma.

513.No immunity applies. Retaliation claims under § 12203 attach to “any person” who interferes with ADA rights, including state and private actors. Judicial and qualified immunity are unavailable where retaliation is conspiratorial, administrative, and outside jurisdiction (*Forrester v. White*, 484 U.S. 219 (1988)).

COUNT VIII
Retaliation Under Section 504 of the Rehabilitation Act (29 U.S.C. § 794)
Against Federally Funded Defendants
(OCFS, DSS, East Greenbush CSD, Questar III BOCES, Saratoga County, Rensselaer County, Warren County, Town of East Greenbush, Town of Clifton Park)

514.Plaintiffs are qualified individuals with disabilities under Section 504. Defendants are recipients of federal financial assistance, including but not limited to Title IV-D/IV-E reimbursements, education funding, and child welfare grants.

515. Defendants retaliated against Plaintiffs for asserting ADA and Rehabilitation Act rights by obstructing access to services, records, and proceedings. Retaliatory acts included FERPA denials by Questar III BOCES, suppression of CPS reports by OCFS/DSS, exclusion from public educational programs by East Greenbush CSD, and municipal obstruction of ADA coordinator access (§§ 360–371).

516. Retaliation was intentional and causally connected to Plaintiffs’ protected activity, as demonstrated by the sequence of accommodation requests followed by retaliatory orders, abductions, and denials of access.

517. Plaintiffs suffered the same injuries identified in Count I: financial losses exceeding \$500,000, deprivation of custody, reputational destruction, and severe emotional trauma.

518. No immunity applies. By accepting federal funds, Defendants expressly waived sovereign immunity for Section 504 claims. Their retaliatory conduct, undertaken in administrative and supervisory capacities, is actionable under federal law.

COUNT IX

Intentional Infliction of Emotional Distress (New York Common Law)
Against: All individual state/local/private defendants (excluding federal judicial defendants), plus municipal/school/BOCES/county entities via respondeat superior (subject to notice-of-claim statutes).

519. Defendants’ extreme and outrageous conduct—including abductions, enabling the death of Plaintiffs’ unborn child, assaults, defamatory smears, and deliberate alienation (§§ 12–28, 140–144)—was intended to cause, or recklessly disregarded, severe emotional distress.

520. Plaintiffs suffered profound trauma, including lasting psychological injury (Count I). Claims are timely under CPLR § 215(3) and equitably tolled by Defendants’ ongoing concealment (§§ 54–76). Municipal and school claims are asserted subject to General Municipal Law §§ 50-e and 50-i and Education Law § 3813.

521. Absolute judicial and prosecutorial immunity do not apply to non-judicial, administrative, or conspiratorial acts taken in the clear absence of jurisdiction.

COUNT X

Fraud (New York Common Law)

Corey-Mongue, Vinson, Resta-Tobin, Birman, Carbone, Kraigenow, VCV LLP, Veronica Smith, Blair, J. & S. Bennett, Warzek/U.S. Budokai, Smile Lodge, Julia Gross/Julia Gross Family Health PLLC, Mayberger, Bruce, Hayner, EGCSO, Questar III BOCES, Simons, Stiles, Kotes, Verchereau, Mueller, Honsinger, and municipal entities through their agents. Federal defendants excluded.

522. Defendants knowingly misrepresented and concealed material facts—including falsified financial disclosures, void and retroactive attorney appointments, and forged or altered insurance and school records (§§ 1–11, 29–36, 348–359)—with intent to deceive Plaintiffs and the courts. Plaintiffs reasonably relied on or were foreseeably harmed by these fraudulent acts, causing concrete injury.

523. Plaintiffs suffered financial losses exceeding \$500,000, reputational injury, and deprivation of parental rights. Claims are timely under CPLR § 213(8). Municipal and school claims are pled in compliance with notice-of-claim statutes.

524. Judicial actors, where named, are included only for non-judicial, administrative falsifications (e.g., backdating, docket manipulation), not for adjudicative rulings.

COUNT XI

Conversion (New York Common Law)

Against: Private Defendants Veronica Smith and Steve Blair only.

525. Defendants Veronica Smith and Steve Blair wrongfully exercised dominion and control over Plaintiffs' specifically identifiable property, including but not limited to:

- a. More than \$200,000 in Allstate insurance proceeds tied to the Southern Ave property;
- b. Plaintiffs' vehicle and certificate of title, unlawfully transferred and retained; and
- c. Midwest Loan checks and related funds, intercepted and diverted for their own use.

526. These acts were undertaken without Plaintiffs' consent and in derogation of their possessory rights, excluding them from the use, benefit, and control of their own property.

527. As a direct and proximate result, Plaintiffs suffered substantial financial losses as described in Count I, including loss of insurance proceeds, loss of the vehicle, destruction of credit, and depletion of marital property. Claims are timely under CPLR § 214(3).

COUNT XII

Abuse of Process (New York Common Law)

Wait, Pelagalli, Versaci, Doern, and other state judges who acted without jurisdiction, Donnelly, Heggen, Williams, McCarty, Rensselaer and Saratoga County Attorneys, Resta-Tobin, Corey-Mongue, Vinson, Birman, Carbone, Vella-Carbone & Vinson LLP, Zurlo, Brown, Rudzinski, Guadagnino, S. James, Calhoun, Skiba, Gilroy, Gravelle, Nissen, John Doe, V. Smith, J. & S. Bennett).

Federal judicial defendants excluded.

528. Defendants willfully misused legal process—including void and retroactive orders, fraudulent petitions and OSCs, contempt threats, and retaliatory filings—not for lawful adjudication but primarily to retaliate against Plaintiffs, obstruct justice, and advance the Enterprise's objectives (§§ 1–11, 29–36, 33–35, 59–61).

529. Judicial Defendants, including Wait, Pelagalli, Versaci, and Doern, acted in the clear absence of jurisdiction by convening proceedings without statutory authority, issuing orders in matters reserved to Supreme Court, and ratifying filings from attorneys lacking valid appointments. These acts were administrative, conspiratorial, and ultra vires—not judicial acts entitled to immunity.

530. Prosecutorial Defendants, including Donnelly, Heggen, Williams, McCarty, County Attorneys, and Does, acted outside their prosecutorial role by suppressing CPS findings, directing police to enforce void orders, defending jurisdictionless proceedings, and ratifying fraudulent petitions. These acts were administrative, investigative, and conspiratorial—not core prosecutorial advocacy—and therefore not entitled to absolute immunity.

531. Attorney Defendants, in concert with judges, prosecutors, and law enforcement, filed fraudulent petitions, OSCs, and contempt motions knowing they lacked jurisdiction or standing, weaponizing process as a tool of retaliation.

532. Law-Enforcement Defendants enforced void orders, facilitated abductions, and suppressed exculpatory evidence to give effect to fraudulent process, despite actual knowledge of valid custody orders and jurisdictional defects.

533. Private Defendants jointly participated in forum-shopping and initiating fraudulent filings to leverage state process for personal gain and harassment, knowing such process was void.

534. Plaintiffs suffered the injuries described in Count I, including financial loss, reputational harm, deprivation of parental rights, and severe emotional trauma. Claims are timely under CPLR § 215(3), with equitable tolling for concealment. Municipal claims are asserted subject to applicable notice-of-claim requirements.

COUNT XIII

Negligence Per Se (New York Common Law)

Against: Harris-Madden, McMahon, Boniface, Steinbach, Mongillo, and supervisory Does, in their official capacities for respondeat superior, EGCS D, Questar III BOCES, Simons, Kotes, Stiles, Verchereau, Mueller, Honsinger, Corey-Mongue, Vinson, Kraigenow, and equivalent Does, Saratoga, Rensselaer, and Warren Counties; Town of East Greenbush; Town of Clifton Park, Susan Warzek/U.S. Buddaki, Julia Gross/Julia Gross Family Health PLLC, Smile Lodge. Federal defendants excluded.

535. Defendants violated statutory duties specifically enacted to protect children and families:

- a. N.Y. Soc. Serv. Law §§ 412–416: requiring mandatory reporting and proper investigation of suspected child abuse and neglect by CPS workers, educators, attorneys for children (AFCs), medical providers, and other mandated reporters.
- b. N.Y. Educ. Law §§ 3201–3234: imposing duties on school districts and BOCES to provide safe, non-discriminatory, and lawful educational access, including accurate record keeping and reporting of attendance.
- c. N.Y. Exec. Law § 378: mandating compliance with fire and safety codes to protect occupants of dwellings, including children.

536. Breaches included but were not limited to:

- CPS/OCFS/DSS Defendants ignoring founded reports of abuse and neglect, suppressing investigations, and falsifying findings to protect Enterprise participants.
- AFC Defendants failing to fulfill their mandatory reporter duties under Soc. Serv. Law § 413, refusing to report known neglect and abuse, and instead filing or supporting fraudulent petitions that facilitated continued endangerment.
- School and BOCES Defendants falsifying or withholding educational records, graduation certifications, and attendance data, while concealing neglect and obstructing FERPA rights.
- Municipal Entities failing to enforce safety and housing standards at condemned properties, permitting children to remain in hazardous, uninhabitable dwellings.
- Medical Defendants failing to make required reports of suspected neglect and falsifying or withholding medical records to obstruct investigations and shield abusers.

537. These statutory violations directly and proximately caused the injuries described in Count I, including financial loss, deprivation of parental rights, reputational harm, and severe emotional trauma.

538. Claims are timely under CPLR § 214(5), all municipal, school, and BOCES claims are pled in compliance with General Municipal Law §§ 50-e and 50-i and Education Law § 3813.

COUNT XIV

Defamation (New York Common Law)

Wait, Pelagalli, Versaci, Doern, and other state judges who acted in the clear absence of jurisdiction, Resta-Tobin, Corey-Mongue, Vinson, Birman, Carbone & Vinson LLP, Veronica Smith, Blair, J. & S. Bennett, Warzek/U.S. Budokai, Julia Gross, EGCS, Questar III BOCES, Simons, Stiles, Verchereau, Mueller, Honsinger, Zurlo, Brown, Rudzinski, Guadagnino, Calhoun, Skiba, Gilroy, Gravelle, Nissen, and John Doe.

539. Defendants knowingly published false statements of fact concerning Plaintiffs, including accusations of abuse, neglect, criminality, mental illness, and unfitness as parents. These statements were made and repeated to third parties, including law enforcement, CPS, schools, and the public.

540. Judicial Defendants, acting without jurisdiction, weaponized their positions by issuing void orders laced with defamatory language and labeling Plaintiffs with stigmatizing terms such as “narcissist” and “abuser.” Such conduct was administrative, conspiratorial, and ultra vires—not judicial acts entitled to immunity or privilege.

541. Attorney Defendants repeated defamatory accusations outside of valid proceedings, including to police, CPS, and schools, despite lacking any lawful appointment or standing.

542. CPS and School/BOCES Defendants incorporated these false statements into reports, records, and communications, further publishing the defamatory smears.

543. These statements constitute defamation per se, as they accused Plaintiffs of crimes, professional dishonesty, parental unfitness, and moral turpitude.

544. Plaintiffs suffered reputational harm, emotional distress, and collateral consequences, including impaired parental rights, professional damage, and social stigma.

545. Claims are timely under CPLR § 215(3), with equitable tolling for concealment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully demand judgment against all Defendants, jointly and severally, and request that this Court enter the following relief:

I. Declaratory Relief. A declaration that:

- a. All orders, judgments, appointments, and filings procured through the Enterprise are void ab initio;
- b. Defendants acted in the clear absence of jurisdiction and are not entitled to judicial, prosecutorial, or qualified immunity; and
- c. Defendants’ conduct constituted violations of federal and state law, including 18 U.S.C. §§ 1962(c)–(d), 42 U.S.C. §§ 1983, 1985, 1986, the ADA, the Rehabilitation Act, and New York common law.

II. Injunctive and Equitable Relief. Preliminary and permanent injunctions, and if necessary a temporary restraining order, providing that:

- a. All void and fraudulent orders are stayed and nullified;
 - b. The abducted minor child is immediately returned to Plaintiffs' lawful custody;
 - c. Defendants, their agents, and those acting in concert are restrained from further retaliation, harassment, or interference with plaintiffs.
 - d. State courts and agencies are compelled to comply with the ADA and Rehabilitation Act, ensuring full access for Plaintiffs as qualified individuals with disabilities.
- III. Service of process shall be executed by U.S. Marshals Service pursuant to FRCP. 4(c)(3).
- IV. An award of compensatory damages in an amount not less than five million dollars (\$200,000,000), reflecting financial losses, reputational harm, destruction of credit, deprivation of custody, and severe emotional distress.
- V. Treble damages as mandated under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1964(c).
- VI. Punitive and exemplary damages sufficient to punish Defendants' malicious, willful, and reckless disregard for Plaintiffs' constitutional and statutory rights, and to deter similar misconduct by others.
- VII. An award of attorneys' fees, expert fees, and costs under 42 U.S.C. §§ 1988, 12205, and other applicable statutes.
- VIII. A trial by jury on all claims so triable pursuant to FRCP 38.
- IX. Further Relief. Such other and further relief as this Court deems just, proper, and equitable in the interests of justice.

ENTERPRISE RETALIATION AND NECESSITY OF U.S. MARSHAL SERVICE

Plaintiffs allege that the racketeering enterprise includes state and federal actors who, acting in concert under color of law, have engaged in a relentless pattern of retaliation. In the past week alone, this retaliation has escalated to extraordinary levels. The pattern is no longer occasional or isolated. It is constant and coordinated, spanning multiple jurisdictions and roles. Police are misused as enforcers, judges as shield-bearers, and attorneys as the mouthpieces of a

criminal enterprise. Even federal judges, whose duty is to safeguard the Constitution, are named here because of their participation in or ratification of these unlawful acts. Against this backdrop, Plaintiffs cannot safely rely on ordinary service of process without compounding the risks of obstruction, manipulation, or further retaliatory harm.

Plaintiffs respectfully submit that only the U.S. Marshals Service, acting pursuant to FRCP 4(c)(3), can ensure secure and impartial service in this action. Several defendants have already demonstrated their willingness to abuse official positions to alter jurisdictional boundaries, falsify records, and intimidate Plaintiffs as federal witnesses. To ask Plaintiffs themselves to facilitate service under these conditions would expose them to further retaliation, harassment, and physical danger. Plaintiffs do not seek advantage, nor do they wish to create conflict with any defendant, state or federal. They seek only proper service of process and a proper judicial forum in which their claims may be heard without fear of sabotage or reprisal. To preserve the integrity of these proceedings, Plaintiffs are prepared to bear the costs of Marshal service and request that this Court so direct.

DEMAND FOR JURY TRIAL

Pursuant to FRCP 38(b), Plaintiffs hereby demand a trial by jury on all issues so triable as of right, including all claims arising under federal law, state law, and the U.S. Constitution.

Executed on: September 10, 2025



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