

Court Sanctions Firm That Sued Adversary in Discrimination Suit

BY NOELEEN G. WALDER

A BITTER battle involving photographs of a topless woman, charges of sexual discrimination and extortion took a new turn yesterday when a Manhattan judge sanctioned a lawyer for bringing what he called a harassing lawsuit against his adversary.

After attorney Douglas H. Wigdor allegedly refused to return racy images of Sandra Piedrabuena Abrams unless his clients were paid \$2.5 million to settle claims of harassment, Ms. Abrams' lawyer, Ronald M. Green, sued Mr. Wigdor and his firm, calling the demand "nothing short of blackmail."

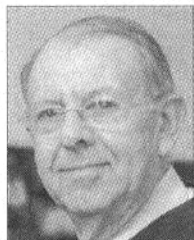
While Mr. Wigdor might have employed "heavy handed" settlement tactics, Justice Walter B. Tolub in *Abrams v. Pecile*, 110329/09, nonetheless held that Mr. Green's suit against Mr. Wigdor could "only have been brought to harass" Mr. Wigdor's law firm, and found that Mr. Wigdor and Thompson Wigdor & Gilly were entitled to \$1,000 in sanctions as a result of the "frivolous claims."

Mr. Green, of Epstein Becker & Green, vowed in an interview to appeal the ruling.

"My client's been accused of nothing. For her to have to agree to contribute to a \$2.5 million settlement demand to get her photographs back is absurd," he said.

The acrimonious dispute began in December 2008 when Ms. Abrams' husband, Russell, the president of hedge fund Titan Capital, allegedly asked his administrative assistant Danielle Pecile to take two compact discs of photos to Duane Reade for development.

When Ms. Pecile handed back the photographs, some of which depicted Ms. Abrams posing topless on her honeymoon in



Justice Tolub

the Mediterranean and the couple in a bathtub, she claims Mr. Abrams "smirked callously, taking pleasure in my obvious embarrassment and discomfort" and asked if she liked the images.

On April 8, Ms. Pecile resigned from Titan. That same day, she e-mailed Mr. Abrams and told him she had quit because his brother Marc, who worked at the hedge fund, had sexually harassed her.

A flurry of hostile e-mails from Marc Abrams to Ms. Pecile ensued, in which he called her a "dirty pig thief," a "whore" and

» Page 6

The Manhattan Supreme Court decision appears on page 25.

➤ Also at nylj.com

Sanction

« Continued from page 1

a “disgusting gold digger piece of trash.”

In May, Russell Abrams received a letter from Mr. Wigdor, who had been retained by Ms. Pecile and Cristina Culicea, a New York Law School student Titan had employed as an administrative assistant.

The letter said both women had been sexually harassed at Titan, and stated that the photos of Russell Abrams’ wife, “posing provocatively and topless” are “currently in our possession.”

On June 1, 2009, Mr. Abrams asked Mr. Wigdor to return the “private photos” that he accused Ms. Pecile of stealing.

But Mr. Wigdor refused, contending the images amounted to “evidence” of Mr. Abrams’ unlawful action.

Mr. Wigdor subsequently wrote in an e-mail to Mr. Abrams that his clients would waive their claims and agree to “other standard settlement agreement terms,” including confidentiality and “return of all property that we are currently holding as evidence” in exchange for \$2.5 million.

Mr. Abrams refused, and three days later, Ms. Pecile and Ms. Culicea filed discrimination charges with the U.S. Equal Employment Opportunity Commission against Titan Capital.

On July 21, Ms. Abrams entered the fray by suing the two former

Titan employees for unlawfully keeping the photos.

“Defendants’ demand is nothing short of blackmail,” her complaint alleged.

Mr. Wigdor then sent a letter to Epstein Becker saying Ms. Abrams’ suit “was yet a further attempt” to intimidate and retaliate against his clients, and said he would “immediately notify the District Attorney’s Office of these actions” and add a claim of retaliation to the EEOC charges.

In August, Mr. Green filed an unverified amended complaint on behalf of Ms. Abrams to include Mr. Wigdor and his law firm as defendants.

The complaint claimed the photographs, which had appeared in the New York Post and various Web sites, were “maliciously” submitted to the EEOC and said Ms. Abrams, who was then eight months pregnant, cried “virtually” every day and was afraid the stress would harm her baby.

Mr. Green said in an interview that he named Mr. Wigdor as a defendant after the lawyer “acknowledged that he knew the photographs were wrongfully taken” and retained, but refused to return them unless his settlement demands were met.

Ms. Wigdor, however, insisted in an interview that his client did not steal the images.

In a motion to dismiss the suit, Mr. Wigdor said Ms. Abrams’ lawsuit was brought “to retaliate against Defendants for seeking to vindicate their civil rights.”

Justice Tolub agreed that the suit could only have been intended to harass Mr. Wigdor and Ms. Culicea.

Ms. Abrams, who “notably has not submitted any pleading or affidavit to the effect that she is even aware of this proceeding,” has not sufficiently alleged, “let alone submitted any evidence, that Mr. Wigdor or his firm acted with either bad faith or that they colluded with Danielle and Cristina in some illegal manner,” the judge wrote.

“The ‘settlement’ negotiations of May 2008, as heavy handed as they were, provide no basis for recovery,” he added.

While Justice Tolub held that Ms. Abrams’ allegations against Ms. Pecile were barely “sufficient” to withstand a motion to dismiss, he upheld the claim against her and threw out the suit against Ms. Culicea.

He concluded that Mr. Green’s suit against Ms. Culicea and the Wigdor firm violated Rule 3.1(b) (2) 1.16(a)(1), which prohibits lawyers from bringing a legal action merely to harass or maliciously injure another person.

Mr. Green, who also represents Titan and Russell Green in the EEOC action, has denied any wrongdoing on the part of his clients.

Mariel LaSasso of LaSasso Griesmeyer Law Group represents Marc Abrams, did not return a call for comment.

@ Noeleen G. Walder can be reached
nwalder@alm.com.