

NEW YORK STATE SUPREME COURT
NEW YORK COUNTY

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SARA ZIFF, :
: Plaintiff, :
: :
v. :
: :
FABRIZIO LOMBARDO, HARVEY :
WEINSTEIN, THE WALT DISNEY :
COMPANY, DISNEY ENTERPRISES, INC., :
BUENA VISTA INTERNATIONAL, INC. :
MIRAMAX FILM NY LLC f/k/a/ :
MIRAMAX FILM CORP., and ABC CORP. :
1-10, :
: Defendants. :
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SUMMONS

Plaintiff designates NEW YORK COUNTY as the place of trial


The basis of the venue is: CPLR § 503(a)

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff’s attorney within twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 6, 2023
New York, New York

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NEW YORK STATE SUPREME COURT
NEW YORK COUNTY

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SARA ZIFF, :
: Plaintiff, :
: Index No. _____
v. :
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FABRIZIO LOMBARDO, HARVEY : **COMPLAINT**
WEINSTEIN, THE WALT DISNEY :
COMPANY, DISNEY ENTERPRISES, INC., :
BUENA VISTA INTERNATIONAL, INC. :
MIRAMAX FILM NY LLC f/k/a/ MIRAMAX :
FILM CORP., and ABC CORP. 1-10, :
: Defendants.
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Plaintiff Sara Ziff (“Plaintiff” or “Ms. Ziff”) by her counsel, Wigdor LLP and the Law Office of Kevin Mintzer, P.C., for her complaint against Fabrizio Lombardo, Harvey Weinstein, The Walt Disney Company (“Walt Disney”), Disney Enterprises, Inc. (“Disney Enterprises”), Buena Vista International, Inc. (“Buena Vista”) (Walt Disney, Disney Enterprises, and Buena Vista are collectively referred to as “Disney”), Miramax Film NY LLC f/k/a Miramax Film Corp. (“Miramax”) and ABC Corp. 1-10 (collectively “Defendants”), alleges as follows:

PRELIMINARY STATEMENT

1. Sara Ziff has made advocacy on behalf of workers in the fashion industry her life’s mission, having worked as a model for over two decades. In 2010, she co-directed and produced the feature documentary film “Picture Me,” which chronicles her and other models’ experiences in the industry. In 2012, Ms. Ziff founded the Model Alliance¹, a nonprofit research, policy and advocacy organization for people who work in fashion.

¹ <https://www.modelalliance.org/>

2. At the Model Alliance, Ms. Ziff established “MA Support,” the first industry-specific support line for fashion workers, and assisted survivors during the advent of the #metoo movement. Ms. Ziff also spearheaded and successfully championed the passage of legislation to protect fashion workers. In addition, she developed the RESPECT Program, which invites companies in the fashion industry to make an enforceable commitment to stop sexual harassment and other forms of abuse.

3. For her groundbreaking work, Ms. Ziff has been the recipient of numerous honors, including Fast Company’s Most Creative People², Women’s Wear Daily’s Women in Power³, the Council of Fashion Designers of America inaugural Positive Social Influence Award⁴, the National Organization for Women’s Susan B. Anthony Award, and France’s Knight of the National Order of Merit.⁵

4. Ms. Ziff’s extraordinary activism is born from her own painful experience of abuse and exploitation in the fashion industry. In 2001, at the age of 19 while working as a model and aspiring actor, Ms. Ziff’s agents sent her to meet with Fabrizio Lombardo, then an executive at the renowned Miramax movie studio.⁶

5. During the meeting, Mr. Lombardo mentioned that he knew Harvey Weinstein, who was then Miramax’s Co-Chairman and Chief Executive Officer.⁷

6. Just a few days later, Lombardo invited Ms. Ziff to attend a private film screening at Miramax’s offices and told her that Mr. Weinstein would be there. With the encouragement of

² <https://www.fastcompany.com/most-creative-people/2018>

³ <https://wwd.com/business-news/business-features/wwd-fn-beauty-inc-50-women-in-power-1235293941/>

⁴ <https://cfda.com/news/the-model-alliance-receives-first-positive-social-influence-award>

⁵ <https://newyork.consulfrance.org/sara-ziff-awarded-with-the-national-order-of-merit-by-france-on-february-10>

⁶ Mr. Lombardo was co-employed by Disney, Miramax’s corporate parent.

⁷ Mr. Weinstein was also co-employed by Disney.

her agents and in the hope that the screening would provide an opportunity to establish a professional connection with Mr. Weinstein, Ms. Ziff agreed to attend but Mr. Weinstein barely acknowledged her.

7. After the screening, Mr. Lombardo invited Ms. Ziff to go to a nearby hotel with him on the pretense that they would be joined by Harvey Weinstein and another young woman who attended the screening, even offering that Harvey Weinstein's brother and business partner Bob Weinstein might be there, too.

8. Still hopeful that the evening would provide her with a professional opportunity, Ms. Ziff agreed.

9. Ms. Ziff did not know that what awaited her at the hotel was not the promised chance to discuss her acting career with the Weinstein brothers, but a trap set by Mr. Lombardo to get Ms. Ziff alone and rape her.

10. Many years later, the world would hear from multiple unsuspecting women that Mr. Lombardo had accompanied them to meet Mr. Weinstein in private, only to quickly find an excuse to make himself scarce, leaving Weinstein with an opportunity to sexually assault them.

11. Mr. Lombardo's predatory behavior was so well-known and consumed so much of his time at Miramax, that it caused consternation amongst the company's employees.⁸ Given their symbiotic and sickening alliance, Mr. Weinstein protected Mr. Lombardo, both in the press and internally in discussions with colleagues.⁹

12. In short, Harvey Weinstein—and thus Miramax and Disney—were fully aware Mr. Lombardo was a danger to women whom he encountered at work. Despite this knowledge, they

⁸ Jason Horowitz, *Harvey Weinstein's Italian Friend Is Now in the Eye of a Media Storm*, The New York Times (October 24, 2017), <https://www.nytimes.com/2017/10/24/world/europe/fabrizio-lombardo-harvey-weinstein-italy.html> (last accessed March 1, 2023).

⁹ *Id.*

did nothing to properly supervise Mr. Lombardo or prevent him from victimizing more women. As a result, Mr. Lombardo was able to use his position with Miramax and Disney, as well as the offices and resources of those companies, to lure Ms. Ziff, then only a teenager, to a fake meeting where he raped her.

PARTIES

13. Plaintiff Sara Ziff is a 40-year-old woman. She is a citizen and resident of New York. She holds a bachelor's degree from Columbia University, which she received in 2011, and a Master's degree in Public Administration from the Kennedy School at Harvard, which she received in 2016.

14. Defendant Harvey Weinstein is, upon information and belief, a citizen and resident of New York, although he is presently incarcerated in the State of California.

15. Defendant Fabrizio Lombardo is, upon information and belief, a citizen and resident of Italy.

16. Defendant Miramax Film NY, LLC is a New York corporation with its principal place of business in Santa Monica, California. Upon information and belief, in 2010, Miramax Film NY, LLC merged with and assumed all liabilities of Miramax Film Corp. Miramax Film Corp. at all relevant times herein was a subsidiary of The Walt Disney Company. Miramax Holding Corp., Miramax Film NY, LLC and/or Miramax Film Corp. are collectively referred to herein as "Miramax."

17. Defendant The Walt Disney Company is a Delaware corporation with its principal place of business located in Burbank, California.

18. Defendant Disney Enterprises, Inc., a subsidiary of The Walt Disney Company, is a Delaware corporation with its principal place of business in Burbank, California.

19. Defendant Buena Vista International, Inc., a subsidiary of Disney Enterprises, is a California corporation with its principal place of business in Burbank, California.

20. During the relevant period, Harvey Weinstein was Co-Chairman and Chief Executive Officer of Miramax and reported to senior executives at Walt Disney. In 1999, Disney Enterprises and Miramax entered an employment contract with Harvey Weinstein.¹⁰ Before that, in 1993 and 1995, Weinstein signed employment contracts with Walt Disney and Miramax.¹¹ Throughout the relevant period, Miramax and Disney jointly employed Weinstein and had the power to hire and fire Weinstein, set his pay, and control his work conditions.

21. On information and belief, from 1999 until at least March 2004, Lombardo served as the executive in charge of Miramax in Italy and other parts of Europe. Throughout the relevant period, Miramax and Disney jointly employed Lombardo and had the power to hire and fire Lombardo, set his pay, and control his work conditions.

22. On information and belief, Disney exercised oversight and control over Miramax, Weinstein and Lombardo, including, but not limited to: paying Miramax's employees, including Lombardo¹²; controlling Miramax's budget; approving (or vetoing) requests for increased film budgets for Miramax; auditing Miramax's books; and reviewing, approving and paying the business expenses of Miramax.

23. Defendants ABC Corp. 1-10 are the unknown successor and related entities of Miramax and Disney that employed Fabrizio Lombardo during the relevant period.

¹⁰ *Doe v. Weinstein*, 2018 ONSC 2122 (Can. Ont. S.C.J. Mar. 19, 2018), available at <http://canlii.ca/t/hrg30>.

¹¹ *Id.*

¹² See Sharon Waxman, *Miramax Sues Ex-Chief in Italy, Saying He Had 2 Jobs*, The New York Times (December 12, 2004), https://www.nytimes.com/2004/12/13/business/media/miramax-sues-exchief-in-italy-saying-he-had-2-jobs.html?_r=1.

JURISDICTION AND VENUE

24. This Court has jurisdiction over this matter pursuant to New York Civil Practice Laws and Rules (“CPLR”) § 301.

25. Venue is proper in New York County pursuant to CPLR § 503(a) because a substantial part of the events giving rise to the claim occurred in New York County.

FACTS

I. Background Regarding Harvey Weinstein, Miramax and Fabrizio Lombardo

26. In the late 1970s, brothers Harvey and Robert Weinstein created a small independent film distribution company named Miramax.

27. Throughout the 1980s, the Weinsteins grew in prominence in the film industry as Miramax produced and distributed films that achieved both critical attention and commercial success.

28. In 1993, after Miramax’s success distributing the motion picture *The Crying Game*, Disney purchased Miramax from Harvey and Robert Weinstein in a deal valued between \$60 to \$80 million.

29. The next year, Miramax released its first blockbuster, Quentin Tarantino’s *Pulp Fiction*, and distributed the popular independent film *Clerks*.

30. Miramax won its first Academy Award for Best Picture in 1997 with the victory of *The English Patient*. In the following years, Miramax produced many highly successful films, including *Good Will Hunting* and *Shakespeare in Love*, both of which won several Academy Awards.

31. By 2001, Harvey and Robert Weinstein had become enormously powerful and influential producers in the film and television industry.

32. As is now widely known, for decades Harvey Weinstein leveraged his prominence to gain access to numerous women who worked or were seeking to work in the film industry so that he could sexually harass and assault them.

33. Using the power, influence and resources of his position at Miramax, Harvey Weinstein routinely arranged to meet privately with women who were seeking acting roles in Miramax productions. His *modus operandi* was to induce women to meet with him in a hotel room—a common location for meetings in the industry at the time—under the guise of discussing their career with others present. Then, in numerous cases, he managed to be alone with the women and sexually assault them.

34. The public revelations of these horrific acts led to two criminal trials of Harvey Weinstein, both of which ended in convictions.

35. On February 24, 2020, Harvey Weinstein was convicted by a jury in New York of third-degree rape and a criminal sex act. On March 11, 2020, he was sentenced to 23 years in prison for those crimes.

36. On December 20, 2022, Harvey Weinstein was convicted by a jury in Los Angeles for rape and sexual assault. On February 23, 2023, he was sentenced to 16 years in prison for those crimes.

37. Harvey Weinstein did not carry out his crimes alone. His predations were enabled by many individuals and entities.¹³

38. One of the people who facilitated Harvey Weinstein's abuse of women was Fabrizio Lombardo.¹⁴

¹³ See, e.g., Anna North, *A crucial part of the Harvey Weinstein Story: his alleged enablers*, Vox (October 10, 2017), <https://www.vox.com/identities/2017/10/10/16454954/harvey-weinstein-enablers>.

¹⁴ See Horowitz, *supra*, n. 8.

39. By all accounts, Lombardo and Weinstein were very close.

40. Lombardo worked for Harvey Weinstein nominally as the executive in charge of Miramax in Italy and other parts of Europe.¹⁵

41. As has been publicly reported, Lombardo helped save Harvey Weinstein's life when he fell "dangerously ill" with septicemia while in St. Barts by arranging for a private plane to medevac Mr. Weinstein out and flying with him to New York for treatment.¹⁶

42. Harvey Weinstein served as the best man at Mr. Lombardo's wedding in 2003.¹⁷

43. Among the things that bonded them appears to be the abuse of women. For example, multiple women have publicly confirmed that, years before Ms. Ziff ever met him, Mr. Lombardo lured them to meet with Mr. Weinstein under false pretenses, after which Weinstein subjected them to an attempted or actual sexual assault.¹⁸

44. One of those women, Italian film actress and director Asia Argento, alleged that in 1997, Mr. Lombardo invited her to a party thrown by Miramax at the Hotel du Cap-Eden-Roc, which she felt professionally obliged to attend as she was working with Harvey Weinstein at the time.¹⁹

45. Ms. Argento said that when she and Mr. Lombardo arrived at the hotel, he took her to a hotel room where she found to her shock that there was no one present but Harvey Weinstein.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See Horowitz, *supra*, n. 8; Sharon Waxman, *How Fabrizio Lombardo Became Harvey Weinstein's Hustler*, thewrap.com (Oct. 25, 2017), <https://www.thewrap.com/how-fabrizio-lombardo-became-harvey-weinstein-hustler/>.

¹⁹ Ronan Farrow, *From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories*, The New Yorker (October 10, 2017), <https://www.newyorker.com/news/news-desk/from-aggressive-overtures-to-sexual-assault-harvey-weinsteins-accusers-tell-their-stories> (last accessed March 1, 2023); Stewart Clarke, *Asia Argento, More Models Detail Harvey Weinstein's Italian Connection*, Variety (October 15, 2017), <https://variety.com/2017/film/news/harvey-weinstein-asia-argento-fabrizio-lombardo-1202590176/>

46. According to Ms. Argento, Mr. Lombardo said, “Oh, we got here too early.” Mr. Lombardo then left Ms. Argento alone with Harvey Weinstein on the pretext that he was going to see where the other party guests were.

47. Once Ms. Argento was alone with Harvey Weinstein, he attacked and forcibly performed oral sex on her.

48. Former model Zoë Brock accused Mr. Lombardo of using a similar ruse in 1998 to get her alone in a room with Harvey Weinstein.²⁰

49. Ms. Brock met Harvey Weinstein at the age of 23 when she was seated next to him at a dinner during the Cannes Film Festival. After dinner, Ms. Brock, her friends, Mr. Weinstein and others attended some parties together.

50. Shortly after midnight, Ms. Brock and her friends decided to turn in for the night. Harvey Weinstein and Rick Schwartz (then Weinstein’s assistant), offered to drive them the short distance to the water taxi that would ferry them to their accommodations. Ms. Brock’s friends were ushered into one car and she into another with Harvey Weinstein, Mr. Lombardo and Mr. Schwartz.

51. When the ride to the water taxi took longer than Ms. Brock anticipated, she asked where they were headed. She was told that the plans had changed and that the group was meeting up at the Hotel du Cap-Eden-Roc, a 30-minute drive away, for one more drink.

52. When Ms. Brock, Mr. Weinstein, Mr. Lombardo and Mr. Schwartz arrived at the hotel, they proceeded to Weinstein’s room, but the rest of Ms. Brock’s group never arrived.

²⁰ Zoë Brock, *Harvey Weinstein and I at the Hotel DuCap*, Medium (October 7, 2017; updated October 11, 12, 13 and 15, 2017), <https://medium.com/bullies-assholes-i-have-known/harvey-weinstein-and-i-at-the-hotel-du-cap-57e5883cde36>; see also Clarke, *supra*, n. 19.

53. Shortly thereafter, Mr. Lombardo and Mr. Schwartz came up with excuses to leave the room, and Ms. Brock suddenly found herself alone with Harvey Weinstein.

54. Weinstein briefly left the room and returned a few minutes later completely naked, asking Ms. Brock for a massage. When she balked, he offered to give her a massage, but she shrugged his hands off her shoulders and fled to the bathroom. Ms. Brock managed to convince Weinstein to let her leave the room without further harm.

55. Significantly, Ms. Brock said that Mr. Lombardo's presence earlier in the evening made her feel "safe and secure" at the time but in retrospect she believes that he was "responsible for helping procure women" for Weinstein.²¹ As she put it, "It was a total set up. [Lombardo] knew."²²

56. Indeed, a former senior Miramax executive, Elizabeth Dreyer, has stated, in substance, that the relationship between Mr. Weinstein and Mr. Lombardo was not based on Mr. Lombardo's skills in the entertainment industry—he apparently had little if any such experience before joining Miramax—but rather his ability to procure women for Mr. Weinstein.²³

57. Ms. Dreyer also suggested that Mr. Lombardo's illegitimate role was widely known among executives at Miramax, causing such great "unease" that Harvey Weinstein attempted to "allay concerns" by addressing them directly with his senior international staff, to little avail.²⁴

²¹ See Brock, *supra*, n. 20.

²² See Horowitz, *supra*, n. 8.

²³ *Id.*

²⁴ *Id.*

II. Fabrizio Lombardo Rapes Sara Ziff

58. While she was a high school student, Ms. Ziff signed with Next, a leading modeling agency, to represent her as a fashion model.

59. By the time Ms. Ziff graduated high school in 2000, she had been featured in *Seventeen Magazine* and other publications and had worked for Calvin Klein and Donna Karan. Ms. Ziff later appeared in campaigns for prominent fashion companies such as Tommy Hilfiger, Stella McCarthy and Kenneth Cole.

60. Ms. Ziff also aspired to be an actor, having studied acting and performed in school plays. To pursue those aspirations, Ms. Ziff was also represented by Endeavor and Innovative Artists, both talent agencies.

61. In the summer of 2001, a year after Ms. Ziff graduated high school, her representatives sent her a list of castings to attend, which included a “go-see” morning meeting with Mr. Lombardo to discuss potential acting work. Joel Wilkenfeld, a co-owner at Next, told Ms. Ziff that Mr. Lombardo was a friend and an influential film producer with Miramax. The meeting took place at a hotel on the Upper East Side of Manhattan.

62. At the time of the meeting, upon information and belief, Mr. Lombardo was in his early 40s.

63. Ms. Ziff met one-on-one with Mr. Lombardo in a public dining area in the hotel, where Mr. Lombardo ordered breakfast. He and Ms. Ziff chatted about her acting studies and experience as he flipped through her modeling portfolio. Not long after, Mr. Lombardo said he needed to go to his room and asked Ms. Ziff to follow him while they continued to talk.

64. Ms. Ziff stood in the entranceway to his room while the conversation continued, as she was hesitant to enter given that she had just met Mr. Lombardo, and there was nowhere to sit other than on the bed.

65. Mr. Lombardo said that he worked with Harvey Weinstein and that Ms. Ziff should meet him.

66. Ms. Ziff was eager to meet with Mr. Weinstein to discuss her acting career, as she admired the films he produced and knew that he was one of the most powerful and influential people in the entertainment industry.

67. Mr. Lombardo also said that he and Ms. Ziff should stay in touch and meet when he was in town again. Mr. Lombardo asked Ms. Ziff for her phone number, which she gave him.

68. Within a few days after this meeting, Mr. Lombardo invited Ms. Ziff to a film screening at Miramax's office. Mr. Lombardo said Mr. Weinstein would be there as well.

69. Ms. Ziff asked her representatives at Next about this invitation, and they were enthusiastic about her attending. When Ms. Ziff arrived at the Miramax office on Greenwich Street in Tribeca, she was directed to a screening room where Mr. Lombardo, Mr. Weinstein, and another young woman who Ms. Ziff did not know, but appeared to be a model, had gathered. No one else was in the room.

70. A large buffet of food from the restaurant Mr. Chow had been set up on the table in the screening room. When Ms. Ziff entered the room, Mr. Lombardo briefly introduced her to Mr. Weinstein, but the mogul did not speak to her other than to suggest that she help herself to the food. The group then watched the movie *Black Hawk Down*, which had not yet been released.

71. When the film ended, Mr. Lombardo invited Ms. Ziff to go to The Mercer Hotel for a drink to continue the conversation. He told Ms. Ziff that Harvey Weinstein and the other

young woman would meet them there, and that Bob Weinstein, Harvey Weinstein's brother, might join as well.

72. Mr. Lombardo also said that Bob Weinstein might be the more appropriate person for Ms. Ziff to meet regarding her acting career because he produced films targeted towards younger audiences. Ms. Ziff accepted Mr. Lombardo's invitation, believing that she would have the opportunity to meet with one or both Weinstein brothers, who were, at the time, among the most prominent producers in the American film industry.

73. When Mr. Lombardo and Ms. Ziff arrived at the hotel, he led her through the lobby to an elevator that went up to the penthouse. After they stepped out of the elevator, they entered a suite.

74. This setting was unexpected because Ms. Ziff had thought they would be meeting the rest of the group in the hotel's bar. Ms. Ziff was then surprised to see her own modeling card on a coffee table, along with the card of the other young woman from the film screening.

75. Ms. Ziff was also surprised to see a suitcase on the floor near the bed. She had been under the impression that Mr. Lombardo was staying at the hotel on the Upper East Side where their first meeting took place a few days prior, but because she saw what appeared to be his luggage, she determined that the suite must be where he was staying. Realizing this, Ms. Ziff began to doubt that anyone else would be joining them.

76. Ms. Ziff felt uncomfortable but did not want to show it. In an effort to keep the meeting professional, Ms. Ziff kept her distance from Mr. Lombardo by positioning herself by an open window overlooking Prince Street. She began to smoke cigarettes.

77. Ms. Ziff spoke to Mr. Lombardo about how she grew up in the area and that she hoped to attend Columbia University. She also mentioned that her parents lived nearby, trying to

make Mr. Lombardo aware that they were not far from people who cared about her while also keeping the conversation friendly and appropriate.

78. Around this point, Mr. Lombardo began to make unwelcome advances toward Ms. Ziff by rubbing her thigh. She repeatedly pushed his hands away, but he continued to touch her.

79. Desperate to stop Mr. Lombardo from touching her, but afraid that she might lose professional opportunities if she offended him, Ms. Ziff made clear she was not interested in Mr. Lombardo by saying that she was flattered, but she had a boyfriend.

80. But Mr. Lombardo would not stop.

81. When Ms. Ziff stood up, Mr. Lombardo quickly pulled her towards him and pivoted her around onto the bed on her back. Mr. Lombardo then laid on top of Ms. Ziff.

82. Ms. Ziff looked up from under him and was struck by how old he looked.

83. Ms. Ziff, having difficulty speaking, managed to say “no” multiple times, but Mr. Lombardo continued to assault her.

84. Then, immediately after she spoke a firm, emphatic “NO,” Mr. Lombardo forced his penis inside her vagina. He did not use a condom. Ms. Ziff felt crushed and defeated.

85. After Mr. Lombardo finished, he rolled over and said that it was fantastic that a girl Ms. Ziff’s age would find a man of his age attractive.

86. Ms. Ziff was in shock and lay in the bed, frozen. Mr. Lombardo fell asleep.

87. Ms. Ziff woke up early the next morning, confused and alone in the hotel room. She walked home to her apartment, took a long shower, and cried.

88. Ms. Ziff was so traumatized that she could not speak about the rape for several years afterward.

89. In the weeks after the rape, Mr. Lombardo invited Ms. Ziff to attend approximately three meetings where others would be present, including Mr. Weinstein and the renowned fashion photographer Patrick Demarchelier. Ms. Ziff attended the meetings because, among other reasons, she feared that if she did not, Mr. Lombardo would retaliate against her by using his powerful connections in the modeling and acting industries—including with Mr. Weinstein—to deny her work at an early stage in her career. She also worried that alienating Mr. Lombardo would rupture her relationship with her modeling agency, since the co-owner of Next was a friend of Mr. Lombardo and Next had arranged her initial meeting with him.

90. During this time, Mr. Lombardo offered to fly Ms. Ziff to Rome to meet him and Harvey Weinstein, who Mr. Lombardo claimed was there working on a film. A representative from Next encouraged Ms. Ziff to go on the trip. Ms. Ziff was panicked at the thought of being abroad with Mr. Lombardo but did not know how she could avoid going without offending him and disappointing her representatives from Next.

91. Soon after, the terrorist attacks of September 11, 2001 took place. Ms. Ziff was able to avoid both offending Mr. Lombardo and having to see him again by telling him that she could not go to Italy because the events of 9/11 made her too scared to fly.

92. Ms. Ziff never heard from Mr. Lombardo again.

III. Defendants Knew or Should Have Known About Lombardo's Sexual Misconduct

93. Mr. Lombardo would never have been able to rape Ms. Ziff if not for his position at Miramax and Disney. Mr. Lombardo used the companies' offices, resources, prestige, and the possibility of career advancement to entice Ms. Ziff to a film screening where Mr. Weinstein would be present, and then offered the prospect of a further meeting with Harvey and Robert Weinstein as a cover to get her alone in his hotel room.

94. Indeed, the circumstances of the evening—a private screening of an unreleased film in Miramax’s office, attended only by Harvey Weinstein, Mr. Lombardo and two young models—make it apparent that the two men plotted to use the movie screening as a pretext to have sex with their respective targets. This was a practiced operation.

95. Mr. Lombardo and Mr. Weinstein used their positions at Miramax and Disney and abetted each other to prey on young women who sought work opportunities in the film industry.

96. As Harvey Weinstein was a high-level executive of Miramax and Disney during the relevant period, the companies are liable for his negligent supervision and retention of Mr. Lombardo.

97. Ms. Ziff, now 40 years old, has lived with the trauma of being raped by Mr. Lombardo for over two decades. Although Ms. Ziff is incredibly accomplished and has been publicly recognized for her advocacy work, the wound of Lombardo’s rape remains and will likely never fully heal.

IV. Timeliness

98. This action is timely under New York’s Adult Survivors Act, which permits survivors of sex crimes to bring otherwise time-barred civil claims arising from such crimes within a one-year period that concludes in November 2023. N.Y.C.P.L.R. § 214-j.

99. Likewise, this action is timely under the New York City Administrative Code § 10-1105(a), which permits survivors of gender-motivated crimes of violence to bring otherwise time-barred civil claims under the Victims of Gender-Motivated Violence Protection Law, New York City Administrative Code § 10-1101 *et seq.*, within a two-year period beginning on March 1, 2023.

100. Specifically, the conduct that gives rise to Ms. Ziff’s claims herein would constitute a violation of, *inter alia*, New York Penal Law, 130.35 (Rape in the first degree).

FIRST CAUSE OF ACTION
(Sexual Battery)
Against Defendant Lombardo

101. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

102. As described above, Defendant Lombardo, forcibly and against Ms. Ziff's will and without her consent, subjected her to bodily harm when he sexually assaulted and raped her. As a result of Fabrizio Lombardo's alleged conduct, Ms. Ziff has suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, economic harm and other consequential damages.

103. As a direct and proximate result of Defendant Lombardo's conduct, Plaintiff has suffered, and continues to suffer, harm for which she is entitled to an award of monetary damages and other relief.

104. This cause of action is timely under the Adult Survivors Act N.Y. C.P.L.R. § 214-j (McKinney 2022), because it arises out of conduct perpetrated against Plaintiff when she was eighteen or older, and the conduct constitutes a sexual offense as defined in Article One Hundred Thirty of the New York Penal Law ("Article 130").

SECOND CAUSE OF ACTION
(Gender-Motivated Violence Pursuant to GMVA)
Against Defendant Lombardo

105. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

106. The above-described conduct of Defendant Lombardo, including, but not limited to, Defendant Lombardo's sexual assault and rape of Plaintiff Ziff, constitutes a "crime of

violence” and a “crime of violence motivated by gender” against Plaintiff as defined by the New York City Gender Motivated Violence Act, N.Y.C. Admin. Code § 8-903 (2017).

107. The above-described conduct of Defendant Lombardo, including, but not limited to, Defendant Lombardo’s sexual assault and rape of Plaintiff, constitutes a “crime of violence” against Plaintiff motivated: (i) by her gender; (ii) on the basis of her gender; and/or (iii) due, at least in part, to an animus based on her gender.

108. Defendant Lombardo committed a “crime of violence” against Plaintiff because she is a woman and, at least in part, because he has an unlawful animus towards women. Defendant Lombardo’s gender-motivated animus towards women is demonstrated by, among other things, his sexually violent and abusive treatment of women.

109. As a direct and proximate result of the aforementioned gender-motivated violence, Plaintiff has sustained in the past and will continue to sustain, monetary damages, physical injury, pain and suffering, and serious psychological and emotional distress, entitling her to an award of compensatory damages.

110. Defendant Lombardo’s gender-motivated violence against Plaintiff entitles her to punitive damages and an award of attorneys’ fees and costs.

THIRD CAUSE OF ACTION

(Negligent Supervision)

Against Defendants Harvey Weinstein, Miramax, Disney and ABC Corp. 1-10

111. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in all of the preceding paragraphs as if fully set forth herein.

112. Harvey Weinstein, Disney, and Miramax knew of, or were negligent or recklessly indifferent to, the harm that Lombardo inflicted on Plaintiff.

113. Harvey Weinstein, Disney, and Miramax, reasonably and foreseeably, did know or should have known, that Lombardo would inflict such harm on Plaintiff.

114. Lombardo used his employment with Disney and Miramax to perpetrate the rape of Plaintiff, including but not limited to the companies' offices, property, resources, prestige, and career opportunities.

115. This cause of action is timely under the Adult Survivors Act N.Y. C.P.L.R. § 214-j (McKinney 2022), because it arises out of conduct perpetrated against Plaintiff when she was eighteen or older, and the conduct constitutes a sexual offense as defined in Article One Hundred Thirty of the New York Penal Law ("Article 130").

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment be entered in her favor against Defendants, and each of them, as follows:

1. For a money judgment representing compensatory damages including consequential damages, lost wages, earning, and all other sums of money, together with interest on these amounts, according to proof;
2. For an award of money judgment for mental pain and anguish and severe emotional distress, according to proof;
3. For punitive and exemplary damages according to proof;
4. For attorneys' fees and costs as provided by statute;
5. For prejudgment and post-judgment interest; and


6. For such other and further relief as the Court may deem just and proper.

Dated: April 6, 2023

New York, New York

Respectfully submitted,

WIGDOR LLP

By: 

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