

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

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Dr. Mark Crispin Miller,

Plaintiff,

-against-

Arjun Appadurai, Deborah Borisoff, Stephen Duncombe,
Allen Feldman, Lisa Gitelman, Radha S. Hegde,
Nicholas Mirzoeff, Susan Murray, Arvind Rajagopal,
Marita Sturken, Aurora Wallace, Jamie Skye Bianco,
Paula Chakravartty, Brett Gary, Ted Magder, Mara Mills,
Juan Pinon, Natasha Schull, Nicole Starosielski

Defendants.
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SUMMONS

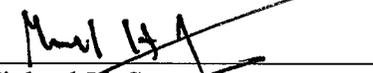
INDEX NO.: _____

To the above-named Defendant(s):

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(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demand in the complaint.

Dated: Goshen, New York
November 30, 2020

SUSSMAN & ASSOCIATES
Attorneys for Plaintiffs



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

-----X
Dr. Mark Crispin Miller,

Plaintiff,

INDEX NO.

vs.

VERIFIED
COMPLAINT

Arjun Appadurai, Deborah Borisoff, Stephen Duncombe
Allen Feldman, Lisa Gitelman, Radha S. Hegde,
Nicholas Mirzoeff, Susan Murray, Arvind Rajagopal
Marita Sturken, Aurora Wallace, Jamie Skye Bianco
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Juan Pinon, Natasha Schull, Nicole Starosielski,

Defendants.
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By and through their scurrilous and maliciously intended letter, attached hereto, defendants libeled and defamed the plaintiff. This lawsuit is meant to vindicate plaintiff's rights to his professional reputation and to be free from such baseless claims.

I. PARTIES

1. Plaintiff, Dr. Mark Crispin Miller, is a resident of the County of New York and a long-time tenured Professor at New York University.
2. Defendants Arjun Appadurai, Deborah Borisoff, Stephen Duncombe, Allen Feldman, Lisa Gitelman, Radha S. Hegde, Nicholas Mirzoeff, Susan Murray, Arvind Rajagopal, Marita Sturken, Aurora Wallace, Jamie Skye Bianco, Paula Chakravartty, Brett Gary, Ted Magder, Mara Mills,

Juan Pinon, Natasha Schull, Nicole Starosielski are each professors associated with New York University. Each works in New York County and signed the letter which defamed plaintiff.

II. JURISDICTION

3. As the sum in controversy exceeds that over which any inferior court has jurisdiction, this Honorable Court has jurisdiction to hear and resolve the instant controversy which arises in this County.

III. STATEMENT OF FACTS

4. On October 21, 2020, each defendant signed a letter to NYU Dean Jack Knott and Provost Katherine Fleming making various allegations about the plaintiff. See Exhibit 1.
5. Said letter, which was sent to those to whom it was addressed, included numerous misstatements of “fact” maliciously intended to portray plaintiff in a negative light; to diminish, if not destroy, his professional reputation and standing, and to cause NYU to either initiate or continue an investigation after which, defendants advocated, it would remove him from his duties or censure him without factual basis.
6. Before signing this letter, none of the defendants conducted a good faith investigation into the matters set forth in the letter.

7. Before signing this letter, none of the defendants discussed the defamatory and false statements included therein with plaintiff.
8. Instead, said letter represents a malicious and intentional campaign of distortion meant to run plaintiff out of his university professorship and disgrace and humiliate him under the guise of phony and uninformed political and cultural correctness and orthodoxy.
9. By way of background, plaintiff is a tenured member of the Department of Media, Culture and Communication at NYU, as he has been for more than two decades.
10. Each defendant is and has recently been a member of said Department.
11. By and through Exhibit 1, defendants advanced certain and various factual claims about plaintiff.
12. Defendants' factual statements, as opposed to their opinions, are enumerated below:
 - a) Plaintiff is circulating a petition accusing the department of violating his academic freedom;
 - b) Plaintiff is conducting an "email campaign against the department";
 - c) Plaintiff has a highly visible web site;
 - d) Plaintiff prominently displays on his web site his title as a full tenured professor;

- e) Plaintiff has taken certain controversial positions on the web site;
- f) Specifically, plaintiff has characterized transgender surgery as a eugenic form of sterilization;
- g) Plaintiff has engaged in direct mockery and ridicule of trans individuals on his web site;
- h) On his web site, plaintiff took the position that the Sandy Hook shooting did not occur;
- i) Students have regularly complained about plaintiff's conduct in the classroom;
- j) Students have complained about "the way in which" plaintiff engages in discussions and controversial subjects;
- k) Students have complained that plaintiff advances "non-evidence" based arguments;
- l) Despite these complaints, plaintiff has not improved his behavior;
- m) Plaintiff recently attacked a student who publicly objected to his classroom criticism of those who choose to wear masks;
- n) Plaintiff uses his authority to intimidate students who choose to wear masks;

- o) Plaintiff repeatedly and publicly identified the student who publicly objected to his classroom criticism of those who choose to wear masks;
 - p) Due to his publication of this student's name and contact information, she has been repeatedly cyber-bullied and threatened;
 - q) Plaintiff has repeatedly used intimidation tactics;
 - r) Plaintiff has repeatedly committed abuses of authority;
 - s) Plaintiff has repeatedly engaged in aggressions and micro-aggressions, including "hate speech".
13. Based upon this panoply of false and baseless allegations, defendants called upon NYU to investigate plaintiff and take appropriate disciplinary action against him.
14. In fact, following this set of false statements, NYU is conducting an ongoing investigation against plaintiff.
15. As set forth in paragraphs 12(f)-(h), defendants' statements are false statements meant to arouse the university community and to cause it and others reading Exhibit 1 to believe that plaintiff is mentally unstable and unworthy of belief. In fact, plaintiff never engaged in the described speech acts.

16. As set forth in paragraphs 12(i)-(l), defendants' statements are each false and intended to mis-portray plaintiff as someone who poorly discharged his responsibilities as a university professor and sought to intimidate students and limit discourse.
17. Such statements are categorically false and represent the antithesis of the teaching model plaintiff has used for more than two decades.
18. Students have not unusually complained about plaintiff [some students complain about every professor] and the vast majority of his students have been highly praiseworthy, as reflected both in university ratings and in unsolicited letters and comments which entirely contravene and give lie to defendants' false statements.
19. As set forth in paragraphs 12(m)-(p), defendants' statements are equally false and baseless in that plaintiff did not attack any student for wearing a mask or for supporting people who wear masks, he himself wears a mask in the discharge of his professional duties and otherwise, and plaintiff did not disseminate any information about any such student or cause her abuse in any manner.
20. As set forth in paragraphs 12(q)-(s), defendants' statements are equally false and malign plaintiff in the discharge of his profession, making

claims that denigrate him professionally and would make it unlikely that any university or college would employ him.

21. Following his receipt of defendants' letter, plaintiff requested that its signatories retract their defamatory and libelous statements.
22. Defendants failed to respond to plaintiff's request that they retract their defamatory and libelous statements.
23. Falsely accusing a tenured university professor of engaging in hate speech inherently discredits him/her.
24. Falsely accusing a tenured university professor of engaging in speech acts which reflect hatred toward transgender persons discredits him/her and subjects him/her to public ridicule.
25. Falsely accusing a tenured university of committing unspecified aggressions and micro-aggressions in the same letter in which defendants espouse their own progressive credentials leads any reasonable reader to falsely believe that plaintiff holds regressive views, opposing social equality for insular minority groups and espousing hatred toward them.
26. By and through the publication of their false claims, defendants have caused plaintiff embarrassment, humiliation, a loss of professional standing, emotional distress and exacerbated the symptoms of a serious physical illness he suffers.

AS AND FOR A FIRST CAUSE OF ACTION

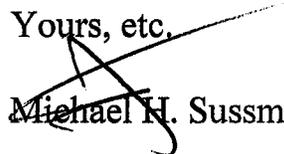
27. Plaintiff incorporates paras. 1-26 as if fully restated herein.

28. By and through the false statements of fact set forth in Exhibit 1, as detailed above, defendants, and each of them, libeled and defamed plaintiff in a malicious and knowing manner, harming him in his career and professional standing and causing him compensable damages.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court accept jurisdiction over this matter; award to plaintiff and against defendants, jointly and severally, compensatory damages in the sum of \$500,000 and punitive damages in the sum of \$250,000, enjoin these defendants from engaging in libelous and defamatory speech acts against plaintiff, award to plaintiff and against defendants the costs and disbursements incurred in the litigation of this action and enter any other relief warranted by the interests of equity and law.

Dated: November 30, 2020

Yours, etc.

Michael H. Sussman

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