

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

CHRISTINA SCAVO and SHANNON O'TOOLE,

Plaintiffs,

-against-

BRETT LORENZO FAVRE, NEW YORK JETS LLC
and LISA RIPI,

Defendants.

Index No.
Date Purchased
Plaintiff(s) designate(s)
NEW YORK
County as the place of trial.

The basis of venue is
Defendant New York
Jets' address

SUMMONS

Plaintiff(s)' address
c/o Jaroslawicz & Jaros
225 Broadway, 24th Floor
New York, New York 10007

11100048

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 **twenty** 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 case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
January 3, 2011

JAROSLAWICZ & JAROS, LLC

Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By:


David Jaroslawicz
Elizabeth Eilender

Defendant(s) address(es):

BRETT LORENZO FAVRE
c/o Minnesota Vikings Football Club, LLC
9520 Viking Drive
Eden Prairie, Minnesota 55344

NEW YORK JETS LLC
50 West 57th Street, 2nd Floor
New York, New York 10019

LISA RIPI
1298 Chelsea Road
Wantagh, New York 11793-2409

FILED
JAN 03 2011
NEW YORK
COUNTY CLERKS OFFICE

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

CHRISTINA SCAVO and SHANNON O'TOOLE,

Index No.

Plaintiffs,

VERIFIED COMPLAINT

-against-

BRETT LORENZO FAVRE, NEW YORK JETS LLC
and LISA RIPI,

Defendants.

Plaintiffs, by their attorneys, Jaroslawicz & Jaros, LLC. complaining of the defendants,
upon information and belief, allege as follows:

THE PARTIES

1. At all times hereinafter mentioned, plaintiff Christina Scavo is a citizen of the State of New York.
2. At all times hereinafter mentioned, plaintiff Christina Scavo is a licensed massage therapist in the State of New York.
3. At all times hereinafter mentioned, plaintiff Shannon O'Toole is a citizen of the State of New York.
4. At all times hereinafter mentioned, plaintiff Shannon O'Toole is a licensed massage therapist in the State of New York.
5. At all times hereinafter mentioned, the defendant Brett Lorenzo Favre ("Favre") is a well-known football player and at the time of the occurrences complained of herein was a

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NEW YORK COUNTY CLERK'S OFFICE
JAN 03 2011
FILED

quarterback for the New York Jets; he is currently believed to be a quarterback for the Minnesota Vikings.

6. At all times hereinafter mentioned, the defendant New York Jets LLC is a foreign limited liability company, duly organized and existing under and by virtue of the laws of the State of Delaware, authorized to do business and doing business in the State of New York, with offices at 50 West 57th Street, 2nd Floor, New York, New York.

7. At all times hereinafter mentioned, the defendant New York Jets LLC operates a football team known as the New York Jets ("Jets") part of the National Football League ("NFL").

8. At all times hereinafter mentioned, the defendant Lisa Ripi ("Ripi") is the coordinator for the Jets with respect to obtaining massage therapists for the Jets players at its training camp and at other locations.

9. At all times hereinafter mentioned, the defendant Favre was acting as an agent, servant and/or employee of the defendant Jets.

10. At all times hereinafter mentioned, the defendant Ripi was acting as an agent, servant and/or employee of the defendant Jets.

THE UNDERLYING FACTS

11. For many years, Christina Scavo worked as a massage therapist for the Jets at its Long Island training camp for various individual players and performed outcalls/outourced treatments at other locations including players' homes. Attached as Exhibit A is one of plaintiff Scavo's pay-stubs reflecting payment directly by the Jets organization.

12. For many years, Shannon O'Toole worked as a massage therapist for the Jets at its Long Island training camp for various individual players during training camp and at other locations including players' homes. Attached as Exhibit B is one of plaintiff O'Toole's paychecks from the Jets organization.

13. Christina Scavo was introduced to defendant Ripi by Shannon O'Toole to act as a massage therapist for the Jets.

14. The defendant Lisa Ripi by her own admission was the go-to person if one wanted to be a massage therapist for the Jets and as she stated, "everything at the Jets went through me."

15. Significantly, the massage therapists for the Jets are predominantly women and young women.

16. In or about the summer of 2008, Christina Scavo and other female massage therapists were performing work at the Jets training camp in New York on Jets players including defendant Favre.

17. Shortly after Christina Scavo and another massage therapist had performed massages at the Jets training camp, the defendant Favre sent a text message to plaintiff Scavo's fellow massage therapist, who had massaged Favre at camp earlier, stating, "Brett here you and crissy want to get together im all alone." [sic].

18. Thereafter the defendant Favre sent another text message to the same massage therapist, stating, "Kinda lonely tonight I guess I have bad intentions."

19. When plaintiff Christina Scavo brought these text messages concerning Favre's solicitation of her and of his "bad intentions" to the attention of her husband, Joseph Scavo, Mr. Scavo decided to contact the defendant Favre.

20. Mr. Scavo contacted the defendant Favre and requested that he stop soliciting his wife for "bad intentions" or to get together with her. Mr. Scavo further requested that Favre apologize for his inappropriate behavior of sexual harassing Christina Scavo and other massage therapists.

21. The defendant Favre responded in an inappropriate manner and refused to apologize or to take any other action.

22. Following Mr. Scavo's telephone call to the defendant Favre, shortly thereafter, the plaintiffs Christina Scavo and Shannon O'Toole were never again called to provide massage therapy for the Jets.

23. Once the media reported that the Jets locker room and training camp were apparently a hot bed of sexual harassment, sexism and inappropriate behavior, naming such persons as the Jets sideline reporter, Jenn Sterger, to whom the defendant Favre had apparently sent improper text messages and allegedly explicit photographs, and improper behavior involving the Mexican television reporter Ines Sainz, and a media report involving some unnamed massage therapists that the defendant Favre had likewise harassed, the defendant Ripi took it upon herself to send a text message to Christina Scavo on or about October 11, 2010, in which she stated "everything at the Jets went through me and you know that."

24. The defendant Ripi further stated in that same text message, "why didn't u come to me," and went on to state in colorful language, "Your husband is a complete asshole," and "thanks to you ill be quesationed by the nfl investigators...." [sic].

25. Ms. Ripi, waxing eloquently, went on to state:

There are ways to handle things in a professional manner and ways to be compensated not in public...poor judegemnt....I've been up there 13 yrs without anything that happened to me on tmz...cuz it was hanndled internally the way it shd be. And ur husbd shlve repsected the fact that the jets wldve ttakecare of it. All this nonsense is unnecessary. He is what he is...and I won't take that back. He doesn't run ur business. you do and its a ereflection on you the way u allowed it to be handled. Holdong on to texts for two years is questionable as far as ur intention and not telling anyone about it.[sic].

26. Ms. Ripi's conduct clearly indicates that there had been prior similar incidents which the Jets had taken care of and concealed the matters so that they would not be revealed to the media or the public.

27. In telephone calls to plaintiff O'Toole, defendant Ripi threatened "Chrissy and you will never work for the Jets again" and threatened plaintiff O'Toole to "keep your mouth shut" and that other massage therapists should head this warning as well.

28. Ms. Ripi acknowledged Favre's improper behavior:

For sure feel horrible that u had to go thru that w a pervert...however I truly wish u wldve came forward at the time it happened...you sureley wldve gotten the treatment you were looking for in the moment. He was wrong on all counts...and we cldve helped u a lot more at that time.[sic].

29. Defendant Ripi made good on her threats to plaintiff O'Toole as in fact, soon after Mr. Scavo made this complaint to Favre not to solicit his wife or other massage therapists for sexual purposes, the plaintiffs never again were called to work for the Jets nor did anyone from the Jets contact them to investigate or determine what had occurred.

30. The plaintiffs here refrained from filing suit in the misguided hope that the NFL would take some meaningful action as against defendant Favre for his improper behavior with Ms. Scavo, Ms. Sterger and others.

31. Unfortunately, instead of taking any meaningful action, the NFL, after an alleged extensive investigation, which according to the media used former FBI agents and other extensive resources, provided no meaningful report, made no findings, waited until the regular football season was basically over and Favre was retiring from football and then reached the inexplicable and rather shocking conclusion that Favre did not violate any league policies regarding conduct in the workplace but rather merely failed to cooperate.

32. The NFL imposed what is a relatively meaningless fine of \$50,000 after probably spending a hundred times that amount on its alleged investigation and public relations attempt to derail any inquiry which would determine what occurred and to institute procedures to prevent the type of behavior Favre was accused of in the future.

33. Since the NFL took no action, the plaintiffs had no choice but to commence their own legal action to be permitted to work in their chosen profession without being harassed, to recover the damages they had suffered and hopefully, maybe someday, to deter players in the NFL from acting inappropriately with other women who are required to come into contact with

football players within the scope of their work and to encourage other women who are harassed by professional athletes in the workplace to come forward without fear of retribution.

34. The conduct of the Jets and the NFL is tantamount to the scene in the movie Casablanca where the police captain, while pocketing his winnings at the roulette wheel stated, "I am shocked, *shocked*, to find gambling going on in this establishment!"

35. The media has previously pointed out, for example, in the New York Post on October 13, 2010, that the NFL, although claiming to avoid harassment and a hostile work environment for women, delivers at best a mixed message by having scantily clad sexually provocative cheerleaders at the games, and hiring persons such as Marisa Miller, a former Sports Illustrated swimsuit model as a spokeswoman.

36. The Jets likewise encourage treating women as sexual objects by printing highly suggestive and sexual photographs of women; see Exhibit C, the 2011 Jets swimsuit calendar with the Jets' emblem. The women in the Exhibit C calendar are clearly not football players.

37. The Jets do not have an appropriate anti-sexual harassment policy in place and if they do, it is not posted at the Jets training camp nor are women who work with the Jets or apparently the Jets players made aware of the existence of any such policies, or are the women made aware of what to do if harassed.

38. The only remedy that plaintiffs have is to commence an action with the legal system in order to recover their job, prior positions and damages.

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF CHRISTINA SCAVO
AS AGAINST DEFENDANT BRETT LORENZO FAVRE**

39. The conduct of the defendant Favre in sexually harassing the plaintiff, attempting to solicit her to be involved in his "bad intentions" was totally inappropriate, constituted sexual harassment, and provided for a hostile work environment.

40. This type of conduct violates §296 of the Human Rights Law of the State of New York; New York City Human Rights Law, Administrative Code of the City of New York and the Nassau County Administrative Code Title C-2 §21-9.8, *et seq.*

41. There were no complaints about the plaintiff's conduct as a massage therapist or any other behavior on her part which could explain why after many years working with the Jets organization and its players she was suddenly and inexplicably terminated.

42. The defendant Favre's retaliation in that plaintiff was no longer called upon to provide massage therapy at the Jets training camp or for the Jets was a separate violation under §296 of the Human Rights Law; see Human Rights Law §296(7); New York City Human Rights Law, Administrative Code of the City of New York and the Nassau County Administrative Code Title C-2 §21-9.8, *et seq.*

43. By reason of the foregoing, plaintiff has been injured in that she has been deprived of an opportunity to earn a living as a massage therapist for the Jets solely because her husband told the defendant Favre not to solicit his wife or sexually harass her, and she was retaliated against by the defendant Favre as well as the Jets and Ripi.

44. In addition, plaintiff has been damaged in that she suffered mental anguish and distress; her reputation has been sullied; her future career as a massage therapist has been adversely affected; and plaintiff has been otherwise damaged.

45. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR..

46. By reason of the totally outrageous conduct of the defendant, plaintiff is entitled to recover punitive damages as well as actual damages, costs and attorneys' fees.

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF SHANNON O'TOOLE
AS AGAINST DEFENDANT BRETT LORENZO FAVRE**

47. Plaintiffs hereby repeat, reiterate and reallege each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

48. Plaintiff O'Toole was terminated because she had been associated with plaintiff Scavo and brought Scavo into the Jets organization as a massage therapist and was likewise discriminated against because of plaintiff Scavo's husband calling defendant Favre to complain about Favre's outrageous conduct with his wife and other massage therapists.

49. This type of conduct violates §296 of the Human Rights Law of the State of New York; New York City Human Rights Law, Administrative Code of the City of New York and the Nassau County Administrative Code Title C-2 §21-9.8, *et seq.*

50. There were no complaints about the plaintiff's conduct as a massage therapist or any other behavior on her part which could explain why after many years working with the Jets organization and its players she was suddenly and inexplicably terminated.

51. The defendant Favre's retaliation in that plaintiff was no longer called upon to provide massage therapy at the Jets training camp or for the Jets was a violation under §296 of the Human Rights Law; see Human Rights Law §296(7); New York City Human Rights Law, Administrative Code of the City of New York and the Nassau County Administrative Code Title C-2 §21-9.8, *et seq.*

52. By reason of the foregoing, plaintiff has been injured in that she has been deprived of an opportunity to earn a living as a massage therapist for the Jets solely because plaintiff Scavo's husband told defendant Favre not to solicit his wife or sexually harass her.

53. Plaintiff was retaliated against by the defendant Favre as well as the Jets and Ripi.

54. In addition, plaintiff has been damaged in that she suffered mental anguish and distress; her reputation has been sullied; her future career as a massage therapist has been adversely affected; and plaintiff has been otherwise damaged.

55. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

56. By reason of the totally outrageous conduct of the defendant, plaintiff is entitled to recover punitive damages as well as actual damages, costs and attorneys' fees.

**AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS CHRISTINA SCAVO AND SHANNON O'TOOLE
AS AGAINST DEFENDANTS NEW YORK JETS LLC AND LISA RIPI**

57. Plaintiffs hereby repeat, reiterate and reallege each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

58. The defendant Ripi is the Jets' acknowledged coordinator for obtaining massage therapy and as she said verbally and in writing with respect to massage therapy, "everything went through me."

59. As Ripi stated to Shannon O'Toole, "Chrissy and you will never work for the Jets again."

60. The Jets were fully aware that Ripi was the person who obtained all massage therapists for the Jets and that without her approval no one could obtain employment as a massage therapist for the Jets.

61. Both Christina Scavo and Shannon O'Toole made the Jets aware that they were being discriminated against by Ripi and the Jets organization, and the Jets refused to take any action to permit plaintiffs to work as massage therapists as they had in the past before the incident with the defendant Favre.

62. The conduct of the Jets aided and abetted the discriminatory practice because the plaintiffs objected to a hostile work environment, and the Jets retaliated when plaintiff Scavo reported the harassment to her husband who in turn called defendant Favre

63. The Jets' retaliation in that plaintiffs were no longer called upon to provide massage therapy at the Jets training camp or for the Jets was a violation under §296 of the Human Rights Law; see Human Rights Law §296(7); New York City Human Rights Law, Administrative Code of the City of New York and the Nassau County Administrative Code Title C-2 §21-9.8, *et seq.*

64. By reason of the foregoing, plaintiffs were damaged as aforesaid.

65. By reason of the foregoing, plaintiffs are entitled to recover all damages, including punitive damages from Favre, the Jets and Ripi.

WHEREFORE, plaintiffs demand judgment against the defendants, to recover for all of their damages, all together with the costs and disbursements of this action, and attorneys' fees.

JAROSLAWICZ & JAROS, LLC
Attorneys for Plaintiffs
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By: _____


David Jaroslawicz
Elizabeth Ellender

VERIFICATION

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

CHRISTINA SCAVO, being duly sworn, deposes and says:

That she is the plaintiff in the within action, that she has read the foregoing:

Complaint

and knows the contents thereof; that the same is true to her own knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, she believes them to be true.



Christina Scavo

Sworn to before me this
2nd Day of January, 2011


Notary Public

TIMOTHY M DOUGHERTY
NOTARY PUBLIC, State Of New York
No. 4769965
Commission Expires 12/31/2011

1/31/2011

VERIFICATION

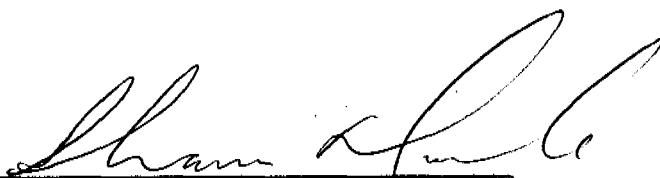
STATE OF NEW YORK)
) ss.:
COUNTY OF *NASSAU*)

SHANNON O'TOOLE, being duly sworn, deposes and says:

That she is the plaintiff in the within action, that she has read the foregoing:

Complaint

and knows the contents thereof; that the same is true to her own knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, she believes them to be true.


Shannon O'Toole

Sworn to before me this
2nd day of January, 2011


Notary Public

TIMOTHY H. DOUGHERTY
NOTARY PUBLIC, State Of New York
No. 4769955
Certified in Nassau County
Commission Expires

1/31/2011

JAROSLAWICZ & JAROS
Law Offices of

Index No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CHRISTINA SCAVO and SHANNON O'TOOLE,

Plaintiffs,

-against-

BRETT LORENZO FAVRE, NEW YORK JETS LLC
and LISA RIPI,

Defendants.

Summons and Verified Complaint

LAW OFFICES OF
JAROSLAWICZ & JAROS LLC
225 BROADWAY, 24TH FLOOR
NEW YORK, NEW YORK 10007
(212) 227-2780
