

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

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MICHAEL RECTENWALD,

Index #:

Date Filed: January 12, 2018

Plaintiff,

SUMMONS

-against-

NEW YORK UNIVERSITY, JACQUELINE BISHOP,
AMBER FROST, CARLEY MOORE and THERESA
SENFT,

Plaintiff designates New
York County as the place of
trial

Defendants.
-----X

The basis of venue is that one
or more of the Defendants
presently reside in New York
County or has a principal
office located in New York
County [CPLR 503]

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 Attorneys 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 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, NY
January 12, 2018



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TO:

NEW YORK UNIVERSITY

Defendant

Office of General Counsel

70 Washington Square South, 11th Floor

New York, NY 10012

JACQUELINE BISHOP

Defendant

AMBER FROST

Defendant

CARLEY MOORE

Defendant

THERESA SENFT

Defendant

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

-----X
MICHAEL RECTENWALD,

Index #:

Date Filed: January 12, 2018

Plaintiff,

-against-

VERIFIED COMPLAINT

NEW YORK UNIVERSITY, JACQUELINE BISHOP,
AMBER FROST, CARLEY MOORE and THERESA
SENF, T,

Defendants.

-----X
Plaintiff, MICHAEL RECTENWALD ("Professor Rectenwald"), by his attorneys,
JOSHPE MOONEY PALTZIK LLP, as and for his verified complaint against the Defendants
NEW YORK UNIVERSITY ("NYU" or the "University"), JACQUELINE BISHOP ("Bishop"),
AMBER FROST ("Frost"), CARLEY MOORE ("Moore") and THERESA SENFT ("Senft")
(Bishop, Frost, Moore and Senft collectively referred to as the "individual Defendants")
respectfully alleges:

NATURE OF THE ACTION

1. This is an action for defamation arising out of libelous statements about Professor Rectenwald - a distinguished professor, published author, and noted cultural commentator - made by the individual Defendants in a series of email exchanges published to dozens of NYU Faculty members in May 2017, as well as NYU Administrators, causing irreparable and significant professional harm, reputational damage, and emotional distress to Professor Rectenwald. The individual Defendants made the libelous statements knowingly, maliciously and willfully, with the intent to subject Professor Rectenwald to distress, embarrassment, fear, humiliation, public

disgrace, shame, scorn, ridicule, and other emotional and psychological injuries in both the NYU and broader academic communities. By making these libelous statements, the individual Defendants sought to maliciously portray Professor Rectenwald as a racist, sexist, misogynistic, dishonest, drug abuser and/or drug addict suffering from mental illness and/or instability.

2. Additionally, under the doctrine of *respondeat superior*, NYU is vicariously liable for these libelous statements because the individual Defendants, although motivated by their personal malicious hatred of Professor Rectenwald and by their individual desires to severely harm him, were also acting within the scope of their employment and in furtherance of NYU's business as an educational institution at the time they made the libelous statements. The libelous email exchanges occurred under the full control and observation of NYU and its Administrators, who had the power to stop these defamatory communications, but chose to do nothing to protect Professor Rectenwald or to mitigate the impact of the libelous statements. Moreover, even before the libelous email exchanges occurred, NYU caused Professor Rectenwald to experience public shame and ridicule by maliciously and/or negligently posting on its website a private email exchange between him and the University's Dean of Liberal Studies, and by maliciously and/or negligently revealing his private medical information to other NYU Faculty members.

JURISDICTION & VENUE

3. This Court has personal jurisdiction over the individual Defendants because they reside in the State of New York. Alternatively, this Court has personal jurisdiction over the individual Defendants because they transact business in the State of New York, made the defamatory statements in the State of New York, and inflicted harm on the Plaintiff in the State of New York. This Court has personal jurisdiction over NYU because it is situated in the State of New York and transacts business in the State of New York.

4. Venue is proper in this Court because at least one of the individual parties reside in New York County and, further, because NYU is situated in New York County.

PARTIES

5. Professor Rectenwald, at all times relevant to this action, was and still is a Professor of Liberal Studies at NYU, having been promoted from Clinical Assistant Professor to Clinical (full) Professor of Liberal Studies in November 2016, and having taught at NYU in the Liberal Studies and Global Liberal Studies Department since August 2008. Professor Rectenwald has four years remaining on a five-year employment contract with NYU. Prior to teaching at NYU, Professor Rectenwald was an Assistant Professor at the University of North Carolina Central University, where he taught English and Mass Communications, and was a Lecturer in the Writing Program at Duke University. Before that, he was an Instructor in English at Case Western University and an Instructor and Postdoctoral Fellow in Literary and Cultural Studies at Carnegie Mellon University. At present, Professor Rectenwald is residing in the State of Connecticut for the NYU academic year, and additionally maintains a permanent residence in the State of Pennsylvania.

6. NYU, at all times relevant to this action, was and still is an educational corporation chartered by the New York State Legislature and operating as a private nonprofit university based in New York City, situated primarily in New York County; and that was, and still is, one of the most prominent universities in the entire United States, with an endowment of over \$3 billion, almost 10,000 Faculty members, and enrollment of over 50,000 students.

7. Bishop, at all times relevant to this action, was and still is employed as a Clinical Associate Professor at NYU. In 2016, Bishop and Professor Rectenwald worked together for approximately one month as members of the University's writing professor search committee,

with the goal of selecting for employment at NYU one professor of writing and journalism.

Upon information and belief, Bishop is a resident of the State of New York.

8. Frost, at all times relevant to this action, was and still is employed as an adjunct Professor at NYU. Upon information and belief, Frost is a resident of the State of New York.

9. Moore, at all times relevant to this action, was and still is employed as a Clinical Professor at NYU. Upon information and belief, Moore is a resident of the State of New York.

10. Senft, at all times relevant to this action, was employed as a Clinical Assistant Professor at NYU. Upon information and belief, Senft is presently a Senior Lecturer at Macquarie University in Sydney, Australia but also maintains a residence in the State of New York.

RECTENWALD'S DISTINGUISHED REPUTATION

11. Professor Rectenwald has been published extensively, having authored numerous books and articles on wide-ranging topics, including writing, religion, the history of science, and philosophy. He is currently writing a book that is one of the subjects of the libelous email exchanges described in this Complaint. He also maintains a lively Twitter account through which he comments on current political and social issues.

12. Additionally, Professor Rectenwald regularly receives outstanding reviews from his students, many of whom appreciate his candid, no-nonsense, and non-doctrinaire approach to teaching.

13. In short, Professor Rectenwald has proven himself to be a thoughtful, intelligent, and highly publishable contributor to the intellectual discourse of both NYU and the broader world of academia. However, his resume contains one blemish: in an academic world consisting largely of left-wing doctrinal groupthink, he is considered one of its few independent, cultural

and social libertarian voices. Indeed, he has often spoken out against the culture of political correctness that is rampant on college campuses. This makes Professor Rectenwald the target of abuse, envy, hostility, ill will and malice from NYU colleagues such as the individual Defendants, whose attacks against Professor Rectenwald stem from his non-conformance with the prevailing cultural, political and social ideologies of academia.

14. NYU, which is legally responsible for the employment conduct of its professors, did nothing to protect Professor Rectenwald from the venomous abuse and defamatory hostility spewed at him by the individual Defendants, as well as by other NYU Faculty members.

15. Moreover, in 2016, NYU coerced Professor Rectenwald into taking a leave of absence and then maliciously and/or negligently posted on its website an email exchange between Professor Rectenwald and then Dean of Liberal Studies Fredric Schwarzbach (“Dean Schwarzbach”) in which Dean Schwarzbach accused Professor Rectenwald of lying about the circumstances surrounding his leave of absence and falsely implied that Professor Rectenwald took a leave of absence for medical reasons.

**NYU COERCES PROFESSOR RECTENWALD INTO TAKING
A LEAVE OF ABSENCE**

16. Similar to many other members of academia, Professor Rectenwald writes and speaks on various topics of interest and concern outside of the University setting. Because he is more ideologically libertarian than almost all of his colleagues, Professor Rectenwald’s views are often perceived negatively within other ideologically leaning groups. However, despite these perceptions, as somebody who is respected and known as being a thoughtful professor by other intellectuals, Professor Rectenwald is often asked to speak on topics or provide a contrarian opinion.

17. In October of 2016, the *Washington Square News* invited Professor Rectenwald to give an interview; that interview was ultimately published on October 24, 2016. In the interview, he talked about the culture of political correctness that is rampant on college campuses. Subsequent to the interview, Dean Schwarzbach requested an unsolicited meeting with Professor Rectenwald and ominously informed Professor Rectenwald that NYU's Head of Human Resources, Shabana Master, would be attending.

18. The meeting occurred on or about October 26, 2016. Dean Schwarzbach began the meeting by approaching Professor Rectenwald and speaking in a hushed tone that only Professor Rectenwald could hear, saying, "I want you to know this has nothing to do with the interview or your Twitter posts." Dean Schwarzbach then proceeded to explain why that same interview indicated a "cry for help" and implied that Professor Rectenwald had medical issues. Dean Schwarzbach explained to Professor Rectenwald that the University felt it best for him to take a leave of absence, conveying the message in a manner that indicated to Professor Rectenwald that he had little choice in the matter.

19. Having been blindsided by this request, Professor Rectenwald agreed to the leave of absence for the remainder of the 2016 Fall semester. Professor Rectenwald was keenly aware of the fact that he had a promotion pending with the University and, given those circumstances, felt the administration's strong suggestion represented an implicit threat. Thus, he acceded to the request.

20. The reality, however, is that Professor Rectenwald never asked for the leave of absence and never suggested it. He accepted it without protest at first, believing it might insulate him from the increasing harassment that he was receiving from his NYU colleagues who sought to turn him into a pariah for his views. In particular, the Liberal Studies Diversity, Equity and

Inclusion Working Group, an official University committee commissioned by Dean Schwarzbach, wrote a letter to the editor that ran in the *Washington Square News* on October 26, 2016 condemning Professor Rectenwald.

21. These attacks forced Professor Rectenwald to defend himself publicly against the University's and his colleague's attempts to isolate and marginalize him.

**NYU PUBLICLY POSTS PROFESSOR RECTENWALD'S PRIVATE EMAIL
EXCHANGE WITH DEAN SCHWARZBACH AND REVEALS PRIVATE MEDICAL
INFORMATION ABOUT PROFESSOR RECTENWALD**

22. On November 1, 2016, following his requested meeting with Professor Rectenwald, Dean Schwarzbach, perhaps having recognized that NYU erred in pushing Professor Rectenwald into taking a leave of absence, sent a revisionist email to Professor Rectenwald attempting to create the illusion that Professor Rectenwald had requested the leave of absence. Schwarzbach wrote falsely that "No one required or demanded you take a leave" and "You indicated that you thought a leave from NYU would be a good idea and you took affirmative steps to make that happen". Dean Schwarzbach also offered to "make all the necessary arrangements" to end the leave.

23. Later that day, Professor Rectenwald responded to Dean Schwarzbach's email and, with NYU having already decided to force a leave of absence, indicated that he intended to remain on leave.

24. After several additional exchanges, by email dated November 11, 2016, Dean Schwarzbach wrote as follows:

Michael,

It is disappointing and distressing to find myself writing to you again about a media appearance in which you do all you can to obscure your own expressed desire for a leave and instead give people the impression that your leave was

involuntary.

The fact of the matter is that this leave has nothing to do with your opinions or your take on the academy and was not involuntary; rather, the truth is, the leave is something you said you wanted and needed.

To insist in private to me that you “unequivocally need” a leave, and to then imply the reverse publicly ... this kind of behavior is dishonest, Michael - there is simply no other word for it. I must ask you once more to please stop this deceptive behavior, as you promised me -- untruthfully, as it turns out -- you would in your email of November 4th.

25. Dean Schwarzbach’s email of November 11, 2016, together with his other emails in this exchange, falsely implied that Professor Rectenwald was emotionally and/or medically unwell and needed a leave of absence, when in reality NYU coerced him into taking the leave.

26. That same day, November 11, 2016, NYU posted the entirety of this private email exchange on its website as a “News Release” entitled “Update 11/11: Email Correspondence between Professor Michael Rectenwald and Dean Fred Schwarzbach.”

27. The email exchange between Professor Rectenwald and Dean Schwarzbach concerned private matters relating to Professor Rectenwald’s employment status, and wrongly created the impression that Professor Rectenwald had an emotional or medical issue that required a leave. NYU’s decision to post the email exchange on its website served no legitimate purpose, and was malicious and/or negligent.

28. Additionally, upon information and belief, on other occasions between October 2016 and May 2017, NYU and its Administrators maliciously and/or negligently revealed private medical information about Professor Rectenwald to other members of the NYU Faculty, including, but not limited to, information about the use of prescription medication.

29. The harm caused by NYU’s malicious and/or negligent posting of Professor Rectenwald’s email exchange with Dean Schwarzbach, and other revelations about Professor

Rectenwald made by NYU to its Faculty, are evidenced in statements made by other Professors.

30. For example, in an email dated May 11, 2017, Moore wrote: “We know from an email exchange leaked by our own dean, that Michael took a medical leave. He was and continues to be unwell.”

31. In another example of an NYU Professor having acquired private medical information about Professor Rectenwald from the University, Bishop called him a “racist, sexist, misogynistic, adderall-filled bully” in an email dated May 8, 2017. Bishop also referred to him as “adderall-filled” in an email dated May 9, 2017.

THE MAY 2017 LIBELOUS EMAIL ATTACKS

32. When Professor Rectenwald returned in the Spring 2017 semester after his leave of absence, the attacks from his NYU colleagues reached a fever pitch, especially after many members of the faculty learned of his pending book deal. They then launched a coordinated and sustained defamation campaign designed to inflict emotional distress on him and ruin his reputation personally and professionally, all of which NYU permitted, condoned, and in some cases encouraged.

33. One set of attacks began on May 8, 2017, at 3:14 PM, when Senft launched an unprovoked written assault against Professor Rectenwald with the intent to maximize the damage to Professor Rectenwald’s reputation by sending an email to an extended list-serve of dozens of NYU academic employees with the Subject Line, “Congrats to Michael Rechtenwald [sic] on his 75K advance from St. Martin’s Press!” Senft’s email was sent from her NYU employee email address: tms2080@nyu.edu. Among the recipients of Senft’s email were (i) Dean Schwarzbach (ii) Associate Dean of Academic Affairs Robert Squillace (“Squillace”), (iii) the Liberal Studies Cultural Foundations Faculty, (iv) the Liberal Studies Social Foundations Faculty, (v) the Liberal

Studies Writing Faculty, (vi) the Liberal Studies Economics Faculty, (vii) the Liberal Studies Science Faculty, (viii) the Global Liberal Studies Faculty, and (ix) the Liberal Studies Global Cultures Faculty.

34. In the email, Senft mocked Professor Rectenwald's work, attempted to misrepresent his views to colleagues, and accused him of writing an article under a pseudonym that led to racist threats against a colleague. She concluded the email by threatening to shame him to minority and women students and professors.

35. Commenting on an essay that Professor Rectenwald wrote for a blog called *Quillette*, Senft, wrote:

In this essay, Michael [Professor Rectenwald] shows us how feminism is a damaging ideology that has taken its toll on him personally, professionally, and sexually.

36. Further distorting Professor Rectenwald's work, and not content with falsely suggesting that Professor Rectenwald is damaged personally, professionally, and sexually, Senft falsely suggested that he is a racist and that he demeaned black females based on a pseudonymous essay:

In this piece, the writer alleges (based on his presence at internal hiring committee meetings) that a program not unlike NYU Liberal Studies denied a talented white male applicant, and hired a sub-standard Black female for no other reason that [sic] because she is a minority.

37. Senft concluded by accusing Professor Rectenwald of instigating racist hate mail directed towards another NYU Professor, Kaia Shivers, who had been selected for employment by the search committee on which Bishop and Professor Rectenwald had served together.

38. Professor Rectenwald, who was copied on Senft's email, responded in an email at 3:41 PM by stating that Senft's email misrepresented his views and falsely ascribed words and

messages to him that he never wrote or spoke. Nonetheless, the damage had been done, and Senft's email ignited a chain of attacks from other faculty members, including libelous eruptions from Bishop, Moore and Frost.

39. One faculty member, Patricio Navia ("Navia"), tried to avert the oncoming aggression by suggesting in a reply email that the faculty avoid transforming the "regularly polite and friendly [liberal studies] environment" into a "twitter-like war zone."

40. However, Bishop, also copied on Senft's email, rebuffed Navia's suggestion and instead aimed a defamatory fusillade at Professor Rectenwald in a reply email dated May 8, 2017 at 5:07 PM. Bishop's email was sent to all of the same NYU Faculty members and Administrators who were included on Senft's original email of 3:14 PM. Additionally, Bishop's email, and all other emails sent by Bishop and referenced hereinafter, were sent from her NYU employee email address: jaj204@nyu.edu.

41. Bishop began her attack on Professor Rectenwald by simultaneously rebuffing Navia's suggestion of de-escalation and falsely claiming in her email that Professor Rectenwald had physically attacked Bishop:

Patricio [Navia], I am glad you have not had to deal with the active threats and aggression that many of us have had to deal with from Michael Rectenwald hence your email about fights staying in the twitter sphere. I am speaking here as a woman of color who had that coward lean across the table and point his finger in her face to try and silence her when it became clear that he had fed his friend the questions we had devised on a hiring committee. When I stood up and shouted at the coward to back off --- paraphrasing the "anonymous" piece from that "anonymous writer" in that useless publication that anonymous writer ran to the dean to seek protection from "me" *after he was the one who physically attacked me*. (Emphasis added).

42. Bishop then further escalated her malicious attack by falsely claiming that Professor Rectenwald is racist, sexist, misogynistic and a drug abuser/addict:

My colleagues, by Michael Rectenwald's own words *we are dealing with a racist, sexist, misogynistic, adderal-filled bully*. Take that to whom-ever you want to take that to you coward Michael Rectenwald. (Emphasis added).

43. Bishop continued her vitriolic rant by likening Professor Rectenwald to Satan, again asserting that he is a racist, and bizarrely suggesting that he craves attention even though Senft started the email exchange:

My colleagues if he tries to step to any one of you, all you need to do is step right back at him. DO NOT BE AFRAID. HE IS A COWARD AND A BULLY NOTHING MORE.

SHOW HIM UP FROM THE FRAGILE WHITE MALE THAT HE IS.

He comes after women of color and people he thinks has no power. NOT THIS TIME SATAN.

My Colleagues, what Michael Rectenwald wants more than anything else is ATTENTION. Some of you I know are afraid to take him on because you think he will run to the first news outlet because we all see that every time a story is dying down he does something to invent another story to get himself on FOX news.

So what is the use of staying quiet? He is CONSTANTLY LOOKING FOR WAYS TO GET ATTENTION.

And oh yeah, congratulations on the \$75,000 advance from St. Martin that you announced yesterday. I laughed when I saw it circulating on social media. I wondered about the veracity of it.

JACQUELINE BISHOP

44. The next day, May 9, 2017, at 10:37 AM, Professor Rectenwald, desperately trying to fend off the tidal wave of *ad hominem* attacks, responded by stating in an email to the entire NYU Faculty list-serve that "I have never expressed racist, sexist or misogynist views."

45. NYU Professor Michael Isaacson ("Isaacson"), emboldened by Bishop's nasty screed, piled on about an hour later, referring four times to Professor Rectenwald as an "asshole" in an email to the extended list-serve.

46. Bishop then resumed her bombastic and defamatory attacks that same day, repeating her false claim that Professor Rectenwald is a drug abuser/addict, portraying him as mentally ill and/or unstable, and suggesting that he is dishonest:

Now that the semester is over and I now have the time I welcome sharing my side of things with the media. *I welcome telling them how you came to our meetings high and incoherent with your tongue constantly sticking out the side of your mouth.*

There were four of us in those meetings you remember, I was not alone.

You held the other three members hostage as chair, unless your friend got to the second round of interviewing. Not one of the other three of us wanted that loser. You said it was your prerogative as chair and you might have been too adderall-filled to recall that you told us you promised the job to your friend.

Need I go on? Need I say all the awful things that you went on with? How you danced and hollered and almost jumped on a chair, while stomping forcefully on a table that your friend "Nailed it! He nailed it!" after a disastrous interview performance. How you said there was nothing wrong with sharing the interview questions with your friends.

I was not on that committee alone you idiot.

(Emphasis added).

47. Bishop concluded the email by repeating her false claim that Professor Rectenwald is a racist, sexist and misogynist:

You have a story to share with the media you racist, sexist, misogynist Michael Rectenwald: Well so do I!

As my grandmother used to say: You are the short pants boy they call the devil.

48. By the next day, May 10, 2017, it was clear that the misguided rage of NYU Faculty against Professor Rectenwald was continuing to build, as evidenced by several angry emails from his colleagues to the entire list-serve, such as the email from Isaacson referring to Professor Rectenwald as an "asshole." Bishop also called Professor Rectenwald a "punk-ass"

several times during this email exchange.

49. Frost jumped into the fray with an email to the entire list-serve on May 10 at 1:45 PM, writing, “Might I suggest we simply move on and allow Michael to wallow in his rage and misery? He's an intellectually impotent man (despite the libidinous bitterness).” Frost’s email, and all other emails sent by Frost and referenced hereinafter, were sent from her NYU employee email address: amber.frost@nyu.edu.

50. Four minutes later, in an email at 1:49 PM responding to Frost, Professor Rectenwald, desperate to end the harassment, requested that his colleagues “please leave me alone.”

51. About an hour later, at 2:41 PM, Bishop, unmoved by Professor Rectenwald’s plea, continued to incite her colleagues by suggesting that they keep up their attacks and by pelting Professor Rectenwald with another false accusation, in this instance fabricating a story that he had supposedly sent an abusive email to Bishop when she had refused to let Professor Rectenwald’s son use her computer. The fabricated story, sent to the entire list-serve, was directed, in particular, to Frost in response to her earlier email:

Amber,

It is precisely leaving that intellectual tumbleweed “alone” that has gotten us in this situation. For close to two years now since that search committee I have said nothing. When this sad pathetic soul who sends to the faculty a list of his interviews with, among other peer reviewed publications, Breitbart News, sent me an email years ago asking me for the password to my computer, when I was away on a Fulbright award, so his son could use my computer when I was gone, and I told him no, and he sent me back a nasty abusive email in response, I said nothing.

52. In another subsequent email to the entire list-serve, this time sent in the middle of the night on May 11, 2017 at 1:17 AM, Bishop again falsely accused Professor Rectenwald of

racist commentary:

And there were no coordinated plans on attacking you here.

I just happen to take things a little personally when, after spewing racist venom, you lean across a table and point a finger in my face.

53. In a separate email at 1:17 AM, NYU Professor Suzanne Menghraj (“Menghraj”) delivered a lengthy criticism of Professor Rectenwald and warned him not to “directly or indirectly address me on this thread” or else she would report him for having “incited harassment.”

54. Approximately one-half hour later, in an email at 1:45 AM, Bishop thanked Menghraj for her email and falsely claimed that “Michael Rectenwald targets women of color and anyone else he feels has no power . . .”

55. The following morning, May 11, 2017 at 11:36 AM, with more NYU professors joining in the attack against Professor Rectenwald, Moore, apparently unconcerned about the embarrassing and unprofessional behavioral display of her colleagues in the preceding email exchange, inserted herself into the situation by falsely accusing Rectenwald of being a drug abuser/addict:

Hi all,

I write in support of Jacqueline, Suzanne, Kaia, Terri, and anyone else who has found themselves on the receiving end of Michael Rectenwald’s abuse and harassment. Last semester, during a departmental-wide email exchange about promotions, titles, and salaries, Michael wrote me several private emails about my lack of qualifications for full professor (even though I have published two books, a chapbook, several articles, essays, and poems, taught in the program for 15 years with high evaluations, and since been awarded the full title). While the emails were not on *the scale of abuse that the women of color in our program have endured*, the tone was hostile and abusive and *part of Michael’s ongoing campaign to silence and harass anyone who seeks to challenge his delusional, narcissistic, and drug-fueled narrative*. In this narrative, which he has pedaled to his alt-right followers to unfortunate success, Michael is the victim an oppressive

university system that seeks to limit his academic freedom. Never mind that Michael has been silencing his colleagues for years with aggressive outbursts in meetings, hostile private email exchanges, and stare downs in the hallways. At writing meetings (which he thankfully no longer attends), it was common practice for Michael to aggressively assert to his colleagues that he is the only one who knows how to teach writing and that the rest of us are unqualified and unskilled in teaching our students to be critical thinkers. Never mind, that students in LS and GLS emerge from our program with some of the strongest writing skills in the university and are recognized internally and externally for their efforts. (Emphasis added).

Moore's email, and all other emails sent by Moore and referenced hereinafter, were sent from her NYU employee email address: carley.moore@nyu.edu.

56. Moore then continued her attack and further claimed, falsely, that Professor Rectenwald suffers from mental illness and/or instability, that he took a leave for medical and/or psychiatric reasons, and that he had caused damage to his students:

The truth is, it doesn't matter what I write here. Michael cannot hear any of it. We know from an email exchange leaked by our own dean, that *Michael took a medical leave. He was and continues to be unwell. The fact that he cannot admit this and/or take responsibility for any of the damage his illness has caused this program, his students, and his colleagues is deeply troubling.* Why doesn't he seek help when he is clearly in so much pain? Only Michael can answer that. (Emphasis added).

57. Moore's false accusations were particularly noteworthy because of her malicious suggestion that Professor Rectenwald had somehow harmed his students, when in reality he was, and remains, one of the most popular professors at NYU among students.

58. That same day, shortly after Moore's email, Frost chimed in with an email at 12:01 PM, falsely claiming to the entire list-serve that Professor Rectenwald had sexually harassed her and that he was a liar who had made up a story about Frost trading sexual favors for academic advancement:

I also work with Michael. He has been harassing me for over two years in both my professional and *personal* life. So if you're directing the whole "privileged

calls to civility” thing at me, please knock it off. No one has ever accused me of being civil, and I hardly have the credentials or job security that insulate me from his insanity. I'm the adjunct with the BA he began to hate so intensely after I rebuked his overtures to “friendship” after I received word he was telling friends and fellow activists I got my job through sexual favors. (Emphasis in original).

59. In that same email, Frost went on to falsely describe Professor Rectenwald as a “right-wing misogynist.”

60. During these defamatory email attacks by the individual Defendants and other NYU Faculty, Professor Rectenwald sought Dean Schwarzbach’s assistance in order to halt the attacks. Professor Rectenwald’s plea for assistance was ignored.

CONSEQUENCES OF THE LIBELOUS EMAIL ATTACKS AND NYU’S INACTION

61. As a result of the individual Defendants’ defamatory attacks against Professor Rectenwald, he has suffered and continues to suffer significant acute emotional distress, and has been the target of constant humiliation, public disgrace, shame, scorn and ridicule at the hands of his NYU colleagues, while other colleagues have simply shunned and isolated him.

62. After the defamatory attacks against Professor Rectenwald, he was so disturbed and distressed that he requested his office be moved to a different building, away from other members of the Liberal Studies Faculty, due to fears that he might be attacked verbally and possibly even physically. Ultimately, NYU relocated Professor Rectenwald’s office to the Russian and Slavic Studies Department, fully isolated from his colleagues in Liberal Studies. Indeed, as a result of the defamatory attacks, he is now an outcast relegated not only metaphorical margins of the NYU community, but to the physical margins as well.

63. Moreover, Professor Rectenwald’s outcast status has dire implications for both the present and future of his career at NYU. At present, he has four years remaining on his five-year employment contract with NYU. In three years, when his contract is approaching

expiration, he will be considered for renewal by a renewal committee drawn from the very same NYU Faculty that has been polluted by the individual Defendants' libelous attacks against him. As a result, it is highly likely that Professor Rectenwald's career at NYU will be prematurely curtailed.

64. Additionally, as a result of Professor Rectenwald's outcast status, he is unwelcome to serve on any NYU Faculty committees, and therefore is unable to accrue any service work, which is a prerequisite to employment renewal.

65. In the likely event that Professor Rectenwald's career at NYU is prematurely curtailed, he likely will be unable to find a comparable position at another university.

66. Most damaging of all, the libelous statements made by the individual Defendants were gravely injurious to his professional reputation both as an NYU Professor and as an academic generally. The totality of the individual Defendants' combined false allegations - that Rectenwald is a drug abuser and/or drug addict, mentally ill and/or unstable, racist, sexist, misogynistic and dishonest - portray him as an individual emotionally and socially unfit to serve as a college Professor or teach students. They also accuse him of harboring abhorrent beliefs that he has never condoned and engaging in aggressive and sexually harassing behavior. And finally they cast him as incompetent, not dependable, harmful, dangerous, erratic, and unstable. Thus, the individual Defendants' false statements constitute defamation *per se*.

67. The knowing, malicious and willfully libelous statements made by the individual Defendants in the May 2017 email exchanges were published to third parties - in this case, the entire NYU Faculty list-serve - without authorization or privilege.

68. For all these reasons, Professor Rectenwald was so disturbed by the wildly inappropriate behavior of the individual Defendants and his other colleagues that he also

formally brought the matter to the attention of NYU's Human Resources and Equal Employment personnel in May 2017. However, NYU has taken no disciplinary action against the individual Defendants or done anything to address his grievances other than move his office. NYU's inability and/or unwillingness to discipline the individual Defendants and Professor Rectenwald's other colleagues has only exacerbated his distress and emboldened the individual Defendants and their colleagues.

AS AND FOR A FIRST CAUSE OF ACTION
Defamation *Per Se*
(Defendants Bishop, Frost, Moore and Senft)

69. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "68" of the Complaint with the same force and effect as if herein set forth at length.

70. During the aforementioned May 2017 email exchanges involving the extended list-serve of the NYU Faculty and Administration, Defendant Senft knowingly, maliciously and willfully published the following false statements about Professor Rectenwald to third parties without authorization or privilege:

- (i) In this essay, Michael shows us how feminism is a damaging ideology that has taken its toll on him personally, professionally, and sexually.
- (ii) In this piece, the writer alleges (based on his presence at internal hiring committee meetings) that a program not unlike NYU Liberal Studies denied a talented white male applicant, and hired a sub-standard Black female for no other reason than [sic] because she is a minority.

71. During the aforementioned May 2017 email exchanges involving the extended list-serve of the NYU Faculty and Administration, Defendant Bishop knowingly, maliciously and willfully published the following false statements about Professor Rectenwald to third parties without authorization or privilege:

- (i) Professor Rectenwald made “active threats and aggression” against “many” members of the NYU Faculty;
- (ii) Professor Rectenwald “physically attacked” Bishop;
- (iii) Professor Rectenwald is “a racist, sexist, misogynistic, adderal-filled bully.”;
- (iv) Professor Rectenwald “comes after women of color and people he thinks has no power.”;
- (v) Professor Rectenwald “came to our meetings high and incoherent with [his] tongue constantly sticking out the side of [his] mouth.”;
- (vi) Professor Rectenwald, while serving on a hiring committee, was “too adderall-filled to recall” a promise he allegedly told to Bishop and other Faculty members;
- (vii) Professor Rectenwald, while serving on a hiring committee, “danced and hollered and almost jumped on a chair, while stomping forcefully on a table” in order to express his approval after one of his friends was allegedly interviewed for a position at NYU;
- (viii) Professor Rectenwald, while serving on a hiring committee, unethically “shar[ed] [job] interview questions with [his] friends” beforehand;
- (ix) Professor Rectenwald is a “racist, sexist, misogynist”;
- (x) Professor Rectenwald sent “a nasty abusive email” to Bishop when she supposedly did not let his son use her computer;
- (xi) Professor Rectenwald “spew[ed] racist venom”

72. During the aforementioned May 2017 email exchanges involving the extended list-serve of the NYU Faculty and Administration, Defendant Moore knowingly, maliciously and willfully published the following false statements about Professor Rectenwald to third parties without authorization or privilege:

- (i) Professor Rectenwald “abuse[ed] . . . women of color” at NYU;
- (ii) Professor Rectenwald has waged an “ongoing campaign to silence and harass anyone who seeks to challenge his delusional, narcissistic, and drug-fueled narrative.”;
- (iii) “[Professor Rectenwald] took a medical leave. He was and continues to be unwell. The fact that he cannot admit this and/or take responsibility for any of the damage his illness has caused this program, his students, and his colleagues is deeply troubling.”

73. During the aforementioned May 2017 email exchanges involving the extended list-serve of the NYU Faculty and Administration, Defendant Frost knowingly, maliciously and willfully published the following false statements about Professor Rectenwald to third parties

without authorization or privilege:

- (i) “I also work with Michael. He has been harassing me for over two years in both my professional and *personal* life”;
- (ii) “I’m the adjunct with the BA he began to hate so intensely after I rebuked his overtures to “friendship” after I received word he was telling friends and fellow activists I got my job through sexual favors.”

74. All of these false and defamatory statements constitute defamation *per se* because they falsely impugn, attack, malign, and destroy Professor Rectenwald’s character, honesty, integrity, dependability, emotional and mental state, beliefs, humanity, professional competence, professional fitness, professional reputation, professional abilities and/or professional qualifications.

75. These false and defamatory statements have caused Professor Rectenwald to suffer distress, embarrassment, fear, humiliation, loss of self-esteem, public disgrace, shame, scorn, ridicule, and other severe emotional and psychological injuries.

76. Additionally, these false and defamatory statements have caused Professor Rectenwald to suffer severe harm to his personal and professional reputations, and have caused him to become isolated, marginalized and shunned within the NYU and academic communities.

77. As a result of the foregoing, the individual Defendants are liable to Professor Rectenwald for defamation.

78. Consequently, the individual Defendants have damaged Professor Rectenwald in an amount that exceeds the monetary limits of all courts of limited jurisdiction, and he is entitled to compensatory and punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION
Defamation Per Se – Respondeat Superior
(Defendant NYU)

79. Plaintiff repeats, reiterates and realleges each and every allegation contained in

paragraphs “1” through “78” of the Complaint with the same force and effect as if herein set forth at length.

80. Defendant NYU is liable to Professor Rectenwald for the defamatory statements of the individual Defendants because the statements were made within the ordinary scope of the individual Defendants’ employment and in furtherance of NYU’s business as an educational institution, in several respects, including but not limited to:

- (i) Senft’s defamatory statements related at least in part to Professor Rectenwald’s academic and literary work and thus fell within the scope of her employment as a Clinical Assistant Professor and within the scope of University academic business, since discussion of academic and literary work is an ordinary part of the job for NYU Faculty members;
- (ii) Bishop’s defamatory statements related at least in part to working with Professor Rectenwald on the writing professor search committee and thus fell within the scope of her employment as a Clinical Associate Professor and within the scope of University academic business, since their work together on the committee was undertaken on behalf of the University;
- (iii) NYU, by publicly posting the email exchange between Professor Rectenwald and Dean Schwarzbach, made Professor Rectenwald’s leave of absence - one of the subjects of Moore’s defamatory emails - a matter of official University business;
- (iv) The individual Defendants made numerous statements about Professor Rectenwald’s alleged on-the-job behavior, and their alleged on-the-job experiences with Professor Rectenwald while working at the University.

81. Defendant NYU is also liable to Professor Rectenwald for the defamatory statements of the individual Defendants because the libelous email exchanges occurred over NYU’s servers, involved the use of official “.nyu” email addresses, occurred in full view of at least two NYU Administrators, Schwarzbach and Squillace, and upon information and belief, other NYU Administrators were well aware of the exchanges. Nonetheless, no NYU Administrators took any steps to halt the email exchanges, condemn or disavow any of the defamatory statements, or to otherwise mitigate the personal and professional damage to Professor Rectenwald.

82. As a result of the foregoing, NYU is liable to Professor Rectenwald for the defamatory statements of the individual Defendants under the legal doctrine of *respondeat superior*.

83. Consequently, NYU has damaged Professor Rectenwald in an amount that exceeds the monetary limits of all courts of limited jurisdiction, and he is entitled to compensatory and punitive damages.

AS AND FOR A THIRD CAUSE OF ACTION

**Negligence
(Defendant NYU)**

84. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs “1” through “83” of the Complaint with the same force and effect as if herein set forth at length.

85. Defendant NYU had a duty to Professor Rectenwald to safeguard his private communications with Dean Schwarzbach, to safeguard Professor Rectenwald’s private medical information, and to protect him from abuse and harassment by his co-workers.

86. NYU breached these duties to Professor Rectenwald in that it revealed his email exchange with Dean Schwarzbach, revealed private medical information about Professor Rectenwald, and did nothing to halt or mitigate the abuse and harassment directed at Professor Rectenwald on the libelous email exchanges.

87. As an actual and proximate cause of NYU’s breaches of duty, Professor Rectenwald suffered harm to his professional reputation, distress, embarrassment, fear, humiliation, loss of self-esteem, public disgrace, shame, scorn, ridicule, and other severe emotional and psychological injuries, and was relegated to the metaphorical and physical margins of the NYU community.

88. As a result of the foregoing negligence, NYU has damaged Professor Rectenwald in an amount that exceeds the monetary limits of all courts of limited jurisdiction, and he is entitled to compensatory damages.

WHEREFORE, Plaintiff, Professor Rectenwald, demands judgment against Defendants as follows:

(a) On the first, second, and third causes of action, an award of compensatory damages to Plaintiff in an amount to be determined upon the trial of this action, and which exceeds the monetary limits of all courts of limited jurisdiction;

(b) On the first and second causes of action, an award of punitive damages to Plaintiff for Defendants' intentional, egregious, and malicious conduct, in an amount to be determined upon the trial of this action;

(c) The costs and disbursements of this action, including reasonable attorneys' fees; and

(d) Such other and further relief as the Court deems just and proper to protect Plaintiff's rights and interests.

DATED: New York, NY
January 12, 2018



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STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, MICHAEL RECTENWALD, being duly sworn, depose and say that I am the Plaintiff in the Within action; I have read the foregoing Complaint in the action entitled *Michael Rectenwald v. New York University, Jacqueline Bishop, Amber Frost, Carley Moore, and Theresa Senft* (Supreme Court of the State of New York, County of New York) and know the contents thereof; the same is true to my own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


MICHAEL RECTENWALD

Sworn to before me this

11th day of January, 2018



Notary Public

EDWARD PALTZIK
Notary Public, State of New York
No. 02PA6173175
Qualified in Nassau County
Commission Expires September 10, 2019