

Index No.

Year 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WESLEY TRENT SNIPES,
Plaintiff, 04 Civ. ()
-against-
CITY OF NEW YORK, a Municipal Corporation;
COUNTY OF NEW YORK, a Municipal Corporation;
Family Law Court of New York; LAPORTE COUNTY,
a Municipal Corporation; PRISCILLA JO BECKMAN;
ROBERT BECKMAN; MARJORIE WEINER;
and DAVID KIRSHBLUM
Defendants.

COMPLAINT & DEMAND FOR JURY TRIAL

Attorney for
LAW OFFICES OF
JOSHUA L. DRATEL, P.C.
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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Signature:
Print Signer's Name:

Service of a copy of the within is hereby admitted.
Dated:
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

that the within is a (certified) true copy of a
NOTICE OF entered in the office of the clerk of the within named Court on 20
ENTRY

that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF Hon. one of the judges of the within named Court,
SETTLEMENT at
on 20, at M.

Dated:

LAW OFFICES OF
JOSHUA L. DRATEL, P.C.
Attorney for

14 WALL STREET, 28TH FLOOR
NEW YORK, NEW YORK 10005

To:

Attorney(s) for

Lanise Pettis, an emotionally ill woman, has, at various times, claimed to be the mother of many children of celebrities. After a long addiction to crack cocaine, Pettis, according to her grandmother who raised her, began experiencing delusions concerning Wesley Snipes after watching the movie Blade, in which Snipes starred. Pettis imagined an old childhood friend and family cousin was really Wesley Snipes in disguise. Pettis also imagined that a local disk jockey in Chicago was really Wesley Snipes in disguise. Pettis even imagined that other men she slept with were really Wesley Snipes in disguise.

Her other delusions included: Oprah Winfrey stealing her image; rock musician Prince stealing her lyrics; doctors stealing her eggs for implantation in other women; government kidnappings of her secret children; Tyra Banks was her daughter (which would make Pettis three years old at the time of conception); Bill Clinton was her cousin and she “partied” with him; and secret relationships with Denzel Washington and Michael Jordan.

Her grandmother wanted her to get mental help and the state of Illinois institutionalized her during her early ravings about Mr. Snipes. The Defendants, knowing Pettis’s mental state, encouraged her delusions, ignored her grandmother (as well as the prudent actions of the Illinois authorities), and instead chose to misuse legal process against Mr. Snipes and prosecute him for being the “father” of one of Pettis’s children, and to seek child support.

The Defendants pursued this completely frivolous case in a foreign forum in which Mr. Snipes was neither resident nor domiciled, and in which there is no connection to Pettis or Pettis’s child. An administrative official assumed control of the case, and without legal authority, compelled Mr. Snipes’s personal appearance(s) before him,

disclosure of his personal intimacies and financial information, ordered physical invasions of his body, and finally, his personal arrest and incarceration.

COMMON ALLEGATIONS

1. This is an action for declaratory relief, a permanent injunction and damages consequent to the violation of Plaintiff First, Fourth and Fourteenth Amendment rights, and is brought under the authority of 28 U.S.C. §2201, Rule 57 of the Federal Rules of Civil Procedure, and 42 U.S.C. §1983.

JURISDICTION

2. Jurisdiction is conferred upon this Court by 28 U.S.C. §§1331, 1343(3), 1651, 2201, 2202 and 42 U.S.C. §1983.

VENUE

3. Venue is proper in this District under 28 U.S.C. §1391(b).

THE PARTIES

4. At no time during any period embraced by this complaint was the Plaintiff a resident of, or domiciled in, either the State of New York or the State of Indiana.

5. At all times herein mentioned, Defendant LaPorte County, Indiana, with offices at County Complex, Lincoln, Indiana, 46350, was a Municipal Corporation under the laws of the State of Indiana.

6. At all times herein mentioned, Defendant Priscilla Jo Beckman, with offices at 809 State Street, Suite 501A, LaPorte, Indiana, 46350-3389, was an employee of the LaPorte County Prosecutor's Office of the State of Indiana.

7. At all times herein mentioned, Defendant Robert Beckman, with offices at 809 State Street, Suite 501A, LaPorte, Indiana, 46350-3389, was an employee of the LaPorte County Prosecutor's Office of the State of Indiana.

8. At all times herein mentioned, Defendants LaPorte County, Indiana, Priscilla Jo Beckman and Robert Beckman were responsible for administering the provisions of UIFSA, and were acting under color of state and federal law.

9. Commencing after the birth of a child to Lanise Pettis on or about February 9, 2001, and continuing until the present, Defendants LaPorte County, Indiana, Priscilla Jo Beckman and Robert Beckman performed, and are performing, acts under UIFSA as an “initiating state” in an interstate case Defendants brought on behalf of Lanise Pettis. In so acting these Defendants were, as a matter of law, performing ministerial rather than adjudicatory functions.

10. At all times herein mentioned, Defendant City of New York, with offices at City Hall Park, New York, New York, 10007, was a Municipal Corporation organized under the laws of the State of New York.

11. At all times herein mentioned, Defendant Family Court of New York, with offices at 60 Lafayette Street, New York, New York, 10013, was a statute-created court of special and limited jurisdiction, with administrative, enforcement and limited judicial authority.

12. At all times herein mentioned, Defendant David Kirshblum, with offices at 60 Lafayette Street, New York, New York, 10013, was an administrative official employed by the Family Court of New York as a hearing examiner.

13. At all times herein mentioned, Defendant, Marjorie Weiner, with offices at 52 Duane Street, New York, New York, 10007-1207, was an Assistant Corporation Counsel with the Defendant City of New York.

14. At all times herein mentioned, Defendants City of New York, Family Court of New York, David Kirshblum and Marjorie Weiner were responsible for administering the provisions of UIFSA, and were acting under color of state and federal law.

15. Commencing with the receipt of documents pertaining to an interstate claim brought under the provisions of UIFSA for determination of parentage and for support payments on behalf of Lanise Pettis (and the child), and continuing until the present, Defendants City of New York, Family Court of New York, David Kirshblum and Marjorie Weiner performed, and are performing, acts under UIFSA as a “responding state.”

16. At all times herein mentioned, Defendant County of New York was a Municipal Corporation organized under the laws of the State of New York, and was and is responsible for executing arrest warrants as well as issuing service, and otherwise performing duties under UIFSA. Said Defendant was as all times acting under color of federal and state law.

17. At all times herein mentioned, Lanise Pettis was a resident of Indiana.

18. Plaintiff sues each individual defendant in his or her individual and official capacities.

19. At all times herein mentioned, the other named Defendants knew Lanise Pettis regularly suffered from delusions about celebrities, including Plaintiff, and that she had been committed to a mental institution because of said delusions.

COUNT I

COMPLAINT FOR DECLARATORY RELIEF

20. Plaintiff re-alleges paragraphs 1 through 19 hereat as if set forth in full.

21. The facts contained in paragraphs 22 through 34, inclusive, are taken directly from the Order dated November 1, 2002, of Defendant Hearing Examiner David Kirshblum in Family Court of the State and County of New York, Docket No. U8716/0, *In the Matter of Lanise Pettis, Petitioner v. Wesley Snipes, Respondent*.

22. Lanise Pettis and the State of Indiana filed an interstate petition for an Order of Filiation, and an Order of child support regarding a child, Israel Prophesia Pettis, d.o.b. 2/9/01.

23. On January 17, 2002, Assistant Corporation Counsel Weiner submitted an Affidavit of Service dated January 14, 2002, which stated service of process was effectuated by serving Jane Carman at 100 Vandam Street, Apt. 4, New York, New York 10013.

24. Mr. Snipes, Respondent in that action and Plaintiff herein,¹ made an application to dismiss the proceeding for lack of personal and subject matter jurisdiction.

25. Ms. Carman Baker testified that 100 Vandam Street, Apt. 4, New York, New York 10013 is the office for Amen Ra Films, which is in the business of motion picture film production, and that no one lives there.

26. Ms. Carman Baker testified that Mr. Snipes is the General Manager of Amen Ra Films, but he performs the services required of him as General Manager where a project is being filmed.

27. Ms. Carman Baker testified that Mr. Snipes had visited the office of Amen Ra Films for the purpose of using the telephone and to access the Internet.

¹ For purposes of consistency and clarity, Mr. Snipes will hereinafter be referred to as either Mr. Snipes or Plaintiff, even when his status as Respondent in the New York State action is discussed..

28. Angela Clare, Executive Assistant to General Counsel of New Line Cinema identified a Form I-9 as having been submitted by Mr. Snipes. In the space provided for an address, the Form I-9 lists 100 Vandam Street, Apt. 4, New York, New York 10013.

29. In an affidavit, Mr. Snipes stated: 1) he is not a resident of the State of New York, nor does he maintain a residence or business in the State of New York; 2) he has certain contractual arrangements with Amen Ra Films, but denied its office in New York was his place of business, a place he regularly transacts business, his dwelling or usual place of abode; 3) no one at Amen Ra Films is authorized to accept service of legal papers on his behalf; 4) he filed a New York State Tax Return for 1998; and 5) that when he serves as General Manager for Amen Ra Films, his services are performed outside of the State of New York.

30. There is a form on file with the Secretary of State of New York in which Mr. Snipes is listed as President of Amen Ra Films, Inc., a Florida Corporation.

31. Defendant Hearing Examiner David Kirshblum stated he did not know if Mr. Snipes was a domiciliary of New York or not.

32. Defendant Hearing Examiner David Kirshblum stated that of the eight bases [sic] for asserting jurisdiction over a nonresident under the State of New York, Family Court Act §580-201(1)-(8) (UIFSA §201), only the long arm statute [UIFSA §201(8)] would be applicable under facts before him.

33. Defendant Hearing Examiner David Kirshblum found the State of New York, and specifically Defendant Family Court of New York, has subject matter and personal jurisdiction over Mr. Snipes.

34. Defendant Hearing Examiner David Kirshblum ordered Mr. Snipes to submit to DNA testing.

35. As of the date of filing of this complaint, an actual controversy exists as Defendants, and each of them, continue to assert they have both subject matter and personal jurisdiction over the Plaintiff under the facts as found by Defendants, and Plaintiff asserts there is an insufficient nexus with matters pertaining to parentage and child support under the facts as found by Defendants to sustain a finding of subject matter and/or personal jurisdiction over Mr. Snipes.

36. Mr. Snipes seeks a determination that Defendants City of New York, Family Court of New York and County of New York lack subject matter jurisdiction over the interstate petition filed in New York as the “responding state” under UIFSA.

37. Mr. Snipes further seeks a determination that Defendants City of New York, Family Court of New York and County of New York lack personal jurisdiction over the Plaintiff regarding the interstate petition filed in New York as the “responding state” under UIFSA.

38. Plaintiff further seeks a determination that all actions and process of Defendants City of New York, Family Court of New York and County of New York are null and void, and of no effect whatsoever.

COUNT II

COMPLAINT FOR INJUNCTIVE RELIEF

39. Plaintiff re-alleges paragraphs 1 through 35 hereat as if set forth in full.

40. Judge Mary Bednar, a Judge of Defendant Family Court of New York, has issued a warrant for the arrest of Snipes.

41. As of the date of this complaint, said arrest warrant is extant and is in the process of being served by Defendant County of New York.

42. Plaintiff suffers under constant threat of imminent and unlawful arrest and other illicit process by the Defendants, and each of them.

43. Plaintiff requests this court issue a preliminary and permanent injunction enjoining and restraining the Defendants, their servants, agents, employees, and all other persons in active concert and participation with them, from: issuing, or acting on, further process in the UIFSA interstate parentage and child support action, including, but not limited to any process commanding Plaintiff's physical arrest or incarceration, his bodily invasion including, but not limited to, the forcible extraction of his DNA, and his personal appearance in said proceedings; disclosing Mr. Snipes's private financial information from business associates or himself, and from disclosing in the future any of these state paternity proceedings to the public; continuing to harass Mr. Snipes; and continuing to prosecute Mr. Snipes under UIFSA in a tribunal that lacks subject matter and personal jurisdiction.

COUNT III

COMPLAINT FOR DAMAGES FOR VIOLATION OF CIVIL RIGHTS UNDER THE FIRST, FOURTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

44. Plaintiff re-alleges paragraphs 1 through 35 hereat as if set forth in full.

45. Defendants LaPorte County, Priscilla Beckman and Robert Beckman, despite knowing that federal law mandated they take each of the following acts, refused to solicit all relevant and necessary information from all sources, refused to verify the information given to them, refused to locate all potential parents, refused to speak to

siblings and the grandmother who raised Lanise Pettis, the mother making the claim that Mr. Snipes fathered her child, never afforded many of the other men likely to be the father the opportunity to acknowledge paternity, never acquired the proper affidavits necessary as a precondition to filing an UIFSA suit, refused to use all information at their easy disposal to locate the actual residency of Mr. Snipes, and refused to show through sworn testimony the New York court properly had subject matter jurisdiction.

46. Defendants City of New York, County of New York, Family Law Court of New York, David Kirshblum and Marjorie Weiner, accepted the issuance of an illegal summons, refused to solicit and verify all information from all sources even after those sources were disclosed to them, made no effort to remedy the illegal disclosure of private information concerning the suit to the public, engaged in illicit discovery, refused to withdraw the complaint even after facts documented that it was frivolous, and that any jurisdiction in the Family Court of New York was absent, and participated in the issuance of an illicit arrest warrant, all in violation of UIFSA and supporting federal law, and therefore without subject matter jurisdiction and lawful authority.

47. The actions of Defendants, and each of them, constituted an impermissible infringement of the Plaintiff rights as guaranteed by the First and Fourteenth Amendments to the Constitution of the United States, an impermissible invasion of Plaintiff's right to be secure in his person, house, papers, and effects against unreasonable searches and seizures as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States, and an invasion of the Plaintiff right to be free from deprivation of his liberty and property without due process of law

and equal protection as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

48. At all times herein mentioned, Defendants, and each of them, had actual knowledge of the First, Fourth and Fourteenth Amendments to the Constitution of the United States, as well as the provisions of UIFSA, and knew their conduct hereinabove described was in violation of said constitutional protections and laws of the United States.

49. As a direct consequence and result of the acts of Defendants hereinabove complained of, Mr. Snipes suffered, and continues to suffer, great humiliation, embarrassment, mental suffering, loss of liberty and property, deprivation of constitutional and statutory rights, as well as loss of reputation in and among his business associates, friends, and family. Consequently, Plaintiff is entitled to compensatory damages in an amount to be proven at trial.

50. The acts of Defendants, and each of them, were done knowingly, maliciously, willfully and wantonly, and Plaintiff is entitled to punitive damages in an amount to be proven at trial.

REQUEST FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this Court:

1. Enter a judgment pursuant to 28 U.S.C. §2201 and Rule 57 of the Federal Rules of Civil Procedure declaring:

A. That Defendants City of New York, Family Court of New York and County of New York lack subject matter jurisdiction over the interstate petition filed in New York as the “responding state” under UIFSA;

B. That Defendants City of New York, Family Court of New York and County of New York lack personal jurisdiction over the Plaintiff regarding the interstate petition filed in New York as the “responding state” under UIFSA.

C. That all actions and process of Defendants City of New York, Family Court of New York and County of New York are null and void, and of no effect whatsoever.

2. Issue a preliminary and permanent injunction enjoining and restraining the Defendants, their servants, agents, employees, and all other persons in active concert and participation with them, Plaintiff requests this court issue a preliminary and permanent injunction enjoining and restraining the Defendants, their servants, agents, employees, and all other persons in active concert and participation with them, from: issuing, or acting on, further process in the UIFSA interstate parentage and child support action, including, but not limited to any process commanding Plaintiff’s physical arrest or incarceration, his bodily invasion including, but not limited to, the forcible extraction of his DNA, and his personal appearance in said proceedings; disclosing Mr. Snipes’s private financial information from business associates or himself, and from disclosing in the future any of these state paternity proceedings to the public; continuing to harass Mr. Snipes; and continuing to prosecute Mr. Snipes under UIFSA in a tribunal that lacks subject matter and personal jurisdiction.

3. Enter a judgment in favor of plaintiff against the Defendants jointly and severally, and where appropriate in both their official and individual capacities, awarding the Plaintiff compensatory damages in an amount to be determined by a jury empanelled for that purpose.

4. Enter a judgment in favor of plaintiff against the Defendants jointly and severally, and where appropriate in both their official and individual capacities, awarding the Plaintiff punitive damages in amounts sufficient to deter them and others from undertaking like unlawful conduct in the future, as determined by a jury empanelled for that purpose.

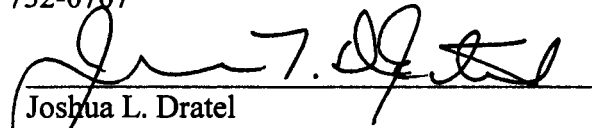
5. Grant Plaintiff the costs, disbursements, and attorneys' fees in this action.

6. Grant Plaintiff such other and further relief, both at law and in equity, as may be just and proper.

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