

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

ANDREW M. CUOMO,
Plaintiff,

v.

CHARLOTTE BENNETT,
Defendant.

SUMMONS WITH NOTICE

Date Filed: 12/19/2024

Index Number:

To the Defendant Named Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on Plaintiff’s attorneys within twenty (20) days after the service of this Summons with Notice, exclusive of the day of service, or within thirty (30) days after service is complete if this service is not personally delivered to you within New York State.

YOU ARE HEREBY NOTIFIED THAT should you fail to appear or answer, a judgment will be entered against you by default for the relief set forth in the attached Notice.

Dated: December 19, 2024
New York, New York

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NOTICE

Plaintiff Former Governor Andrew M. Cuomo (“Plaintiff” or “Governor Cuomo”) brings this action against Defendant Charlotte Bennett (“Bennett”) for defamation arising from Bennett’s defamatory conduct.

The nature of this action is to recover compensatory and punitive damages for the serious injuries and losses that Governor Cuomo has suffered and will continue to suffer as a result of the December 9, 2024 false statement by Bennett and her agents that Governor Cuomo “sexually harassed” Bennett (the “December 9 Defamatory Statement”). Bennett’s agents tweeted this statement on December 9, 2024 with the headline: “Debra Katz and Charlotte Bennett issued statements on news that Bennett voluntarily dismissed her lawsuit in the U.S. District Court in the SDNY against Andrew Cuomo, who sexually harassed her.” Bennett reposted her agents’ tweet, which has garnered more than 90,000 views. The December 9 Defamatory Statement—which was intended to be and was widely disseminated and which was made in the wake of Bennett and her agents’ numerous prior public accusations against Governor Cuomo—was false and defamatory, and Bennett made it knowing full well that it was false and intending to cause harm to Governor Cuomo.

The December 9 Defamatory Statement was made nearly four years after Bennett first publicly and falsely accused Governor Cuomo of having made improper sexual advances toward her and sexually harassed her while she was employed as a fairly low-level employee in the Executive Chamber. ***Governor Cuomo did not make any sexual advances toward Bennett and did not sexually harass her.*** Rather, Bennett intentionally and deliberately initiated personal conversations with Governor Cuomo while she was employed in the Executive Chamber.

In January 2020, for example, Bennett told Governor Cuomo about her claims of prior sexual assault, at least in part, because she viewed herself as a sexual assault advocate and hoped that she might enlist Governor Cuomo’s assistance in achieving her professional ambitions. Indeed, Bennett did not confide any private information to Governor Cuomo during this conversation; her allegations of prior sexual assaults were a significant part of her public and professional persona. Although Bennett later alleged, falsely, that the January 2020 conversation made her feel “uncomfortable,” contemporaneous text and video evidence recorded by Bennett confirms that Bennett had long planned to discuss these issues with Governor Cuomo and, in a video message she recorded, described the conversation as “amazing.”

The January 2020 discussion led to a small handful of additional conversations that concerned or related to Bennett’s alleged sexual assault history. In May 2020, after Bennett was asked to speak at Hamilton College on that topic, she specifically sought Governor Cuomo’s advice on her speech and made efforts to send him a draft of it for his review. And, contrary to Bennett’s statements to OAG investigators and reporters that Governor Cuomo’s feedback was “disturbing,” she was upset only because Governor Cuomo’s comments were critical rather than laudatory. Likewise, when Governor Cuomo spoke with Bennett in early June 2020, months into the pandemic, it was an effort by Governor Cuomo to check on Bennett’s emotional well-being after she showed up to work appearing physically unwell and after he heard that she was engaging in impulsive and reckless behavior in or around the workplace.

Bennett, who had been eager to find a different position (and had taken steps to do so) away from the high-stress Executive Chamber environment for many months, cynically used the June 2020 conversations with Governor Cuomo to advance her personal and professional agenda. She specifically requested a transfer to a role on the health policy team. Though she later characterized this transfer as “retaliation,” the evidence overwhelmingly confirms that she asked for the reassignment and was delighted when Governor Cuomo’s aides arranged for that to happen in late June 2020 and, in a video message she recorded, explained that she viewed getting the job as “scamm[ing]” those who helped her do so.

Despite knowing that she deliberately sought out these conversations with Governor Cuomo, Bennett publicly accused Governor Cuomo of misconduct in March 2021, claiming—falsely and for the first time—that Governor Cuomo made sexual advances toward her during their conversations. Bennett enjoyed the media spotlight and she and her agents gave numerous public interviews, including on national television broadcasts, repeating her false claims. From day one, Governor Cuomo denied ever having sexually harassed Bennett (or anyone else).

Bennett’s false allegations materially contributed to a cascade of harm to Governor Cuomo. Among other things, the false accusations she publicized in the national media were a significant factor in calls for an investigation into Governor Cuomo’s conduct. That investigation, orchestrated by New York Attorney General Letitia James (“AG James”), who was a political rival to Governor Cuomo and who hoped to and ultimately did run to replace Governor Cuomo, led to a biased, misleading, and inaccurate report that wrongly accused Governor Cuomo of sexually harassing a number of women, including Bennett. The Office of the New York State Attorney General (the “OAG”) investigators took Bennett (and other accusers) at her word, crediting her allegations without obtaining or reviewing substantial material relevant evidence. *The evidence the OAG investigators failed to obtain or consider includes tens of thousands of contemporaneous text and video messages from or to Bennett, much of which directly undermines her allegations.* Notably, Bennett did not provide those records to the OAG investigators despite having received a subpoena that called for her to produce such records.

On September 14, 2022, Bennett filed a federal lawsuit in the Southern District of New York against Governor Cuomo (and others) repeating her false allegations of harassment. In a 60-page Complaint, Bennett reiterated her claim of improper “sexual advances” but also embellished her allegations. She weaponized light moments in the office and alleged these interactions were “humiliating” and “demeaning” when in reality, she had told family and friends at the time that she found these interactions to be hilarious. Bennett also asserted a claim of retaliation, falsely alleging that her June 2020 workplace transfer was retaliatory in nature when, in truth and fact, she had wanted and sought such a new position for some time and specifically requested that position. Bennett could have included the State of New York as a defendant in the federal lawsuit, but instead chose to file a separate state court action as part of a calculated strategy to push for a monetary settlement with the State outside of the litigation involving Governor Cuomo.

Governor Cuomo and the other defendants filed motions to dismiss in the federal lawsuit and advocated for a stay of discovery while those motions were pending. Bennett, eager to apply litigation pressure to force a settlement, insisted on going forward with discovery. For

approximately two years, the parties engaged in routine civil discovery, overseen and approved by a federal magistrate judge. The nature of Bennett's allegations and her claims of extreme emotional distress necessitated discovery into her communications with witnesses who Bennett identified as having relevant information, including family, close friends, and medical professionals.

Bennett initially sought to limit the information she provided to Governor Cuomo and the other defendants. The OAG and other witnesses, including Lindsey Boylan (another accuser), also resisted turning over relevant information. Their stonewalling forced Governor Cuomo to incur significant defense costs to obtain court orders requiring the disclosure of routine discovery. Ultimately, Bennett and other witnesses were compelled by the court to produce personal communications concerning Bennett's allegations, including huge volumes of text and video messages that documented her state of mind and her activities throughout the relevant time period. These materials, which largely consisted of Bennett's own accounts of what was happening at the time, completely refuted Bennett's allegations of harassment and established that she initiated or sought out her interactions with Governor Cuomo. The evidence also confirmed, as Governor Cuomo had suspected in June 2020, that Bennett was having a personal meltdown in Spring 2020 and was engaging in deeply troubling and reckless conduct in the workplace. Although most of this critical evidence is confidential because Bennett designated it as such under the protective order in the federal lawsuit, Governor Cuomo has sent a document preservation notice to Bennett directing her to retain the evidence for use in this proceeding.

As Bennett's claims were being exposed as a sham through the discovery process, she and her agents embarked on a campaign to pressure the State to pay a settlement to Bennett. Among other things, Bennett and her agents sought to generate public outrage toward Governor Cuomo by falsely suggesting that his defense costs—which were being funded in accordance with Public Officers Law § 17—were the result of Governor Cuomo weaponizing the judicial system to harass Bennett. In truth, however, Governor Cuomo's defense costs in Bennett's case and in another federal lawsuit were the inevitable result of persistent efforts by his accusers and by the OAG to prevent him from obtaining access to exculpatory materials. Those defense costs were also exacerbated by discovery failures by Bennett, who initially did not turn over thousands of relevant text messages and videos—despite telling the court that she had completed her discovery—and caused discovery to drag on for many more months as she had to correct her discovery failures.

Ultimately, as Governor Cuomo identified hundreds of communications that disproved Bennett's allegations, Bennett understood her claims failed under the weight of that evidence. On December 9, 2024, more than two years into her federal lawsuit and less than a week before Bennett was obligated to testify under oath during a long-scheduled two-day deposition, she unilaterally and voluntarily dismissed her federal claims on her own accord and with no monetary settlement from Governor Cuomo or any other defendant in that case. By dismissing her federal lawsuit, Bennett sought, among other things, to shield the overwhelming evidence of her false claims from ever becoming public.

Still, Bennett continues with her lawsuit against the State in New York state court. She hopes to secure a payout for her claims without having to be confronted with evidence of their falsity and without the public learning the truth. In furtherance of this effort, on the same day she voluntarily dismissed her federal lawsuit against Governor Cuomo, Bennett and her agents

released a public statement in which they again (a) falsely accused Governor Cuomo of having “sexually harassed” Bennett, and (b) sought to cast Governor Cuomo’s routine discovery requests as a form of harassment even though they knew when they filed suit that Bennett would be subject to such discovery under the rules that govern all federal lawsuits.

Although Bennett and her agents know full well that Bennett’s own contemporaneous video and text communications prove that her allegations are false, Bennett and her agents continue to falsely accuse Governor Cuomo of sexual harassment, including in Bennett’s December 9 Statement. Such false and defamatory statements have harmed and will continue to harm Governor Cuomo, both personally and professionally. Despite Bennett’s gamesmanship in withdrawing her federal lawsuit before she was required to admit under oath that she had lied about her interactions with Governor Cuomo, Governor Cuomo fully intends to clear his name and to ensure that Bennett and her agents never again repeat the falsehood that he sexually harassed Bennett.

Relief Sought

The relief sought is compensatory damages and punitive damages. Should Defendant fail to appear herein, judgment will be entered by default in an amount to be determined by the Court, with interest from the date of such judgment and the costs of this action.

Venue

Plaintiff designates New York County as the place of trial. The basis of this venue is that this is the county where Governor Cuomo resides and where a substantial part of the events or omissions giving rise to his claim occurred.