

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

BETH SUGERMAN,

*Plaintiff,*

-against-

S. DANIEL ABRAHAM,

*Defendant.*

## VERIFIED COMPLAINT

Plaintiff Beth Sugerman, by and through her attorneys, Emery Celli Brinckerhoff Abady Ward and Maazel LLP, alleges as follows for her complaint:

**DANIEL ABRAHAM: BOSS AND SEXUAL PREDATOR**

1. This case is about yet another powerful, wealthy man who abused his power to sexually harass and assault a powerless woman.
2. S. Daniel Abraham is the multibillionaire founder and former Chairman of Thompson Medical, which created SlimFast. There, he hired Beth Sugerman, then in her twenties, as his executive assistant. During her approximately three years of employment, he repeatedly masturbated in front of her in a motel in New Jersey (where he routinely conducted business as part of a scheme to avoid New York taxes), before straddling and assaulting her in car rides into New York City; grabbed the back of her head, pushed her face towards his, forcibly tried to kiss her, and stuck his tongue in her mouth; repeatedly groped, pinched, and squeezed her thigh under the table while at business dinners with prominent figures including Tommy Lasorda, Ed Koch, and Henry Kissinger; and repeatedly propositioned her to have sex with him.

3. Ms. Sugerman consistently refused or deflected Mr. Abraham’s advances, and, when it finally became clear that she would not change her mind, Mr. Abraham fired her in an act of retaliation.

4. Ms. Abraham’s conduct is appalling and indefensible. Now, with the passage of the Adult Survivors Act, it is finally time for Mr. Abraham to be held to account for his sexual misconduct and abuse of power.

**PARTIES**

5. Beth Sugerman is a resident of Connecticut.

6. S. Daniel Abraham is a resident of New York County, New York.

**VENUE AND JURISDICTION**

7. Plaintiff designates New York County as the place of trial, pursuant to CPLR 503 and 509.

**STATUTORY FRAMEWORK**

8. On May 24, 2022, the New York State Adult Survivors Act (“ASA”) was signed into law, creating a one-year lookback window—commencing November 24, 2022—for survivors of sexual assault that occurred when they were over the age of 18 to sue their abusers regardless of when the abuse occurred.

9. The ASA lookback window applies to “every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense” as defined in New York Penal Law Article 130. CPLR § 214-j.

10. The parties executed a tolling agreement prior to the expiration of the ASA. The tolling agreement expires on December 5, 2023.

### FACTS

11. In 1987, Mr. Abraham, the then-Chairman of the Thompson Medical board, hired Ms. Sugerman through an employment agency to be his executive assistant.

12. Ms. Sugerman had only finished two years of college and, though she did have some work experience in the garment industry, she had no experience in the corporate world.

13. Ms. Sugerman was in her late twenties.

14. Mr. Abraham hired Ms. Sugerman to assist with his scheduling, travels, and philanthropic activities.

15. The hiring personnel who conducted her interview asked whether Ms. Sugerman was Jewish, was married, or had any children.

16. The hiring manager then took Ms. Sugerman to meet Mr. Abraham, who also asked her a few questions about her background including whether she was Jewish.

17. SlimFast hired Ms. Sugerman to work in the SlimFast office at 919 3rd Avenue in Manhattan.

18. As soon as she started working at SlimFast, Mr. Abraham began inviting Ms. Sugerman to accompany him on both business and personal travels.

19. Ms. Sugerman felt uncomfortable with these invitations and turned down all of Mr. Abraham's requests to accompany him on otherwise solo trips.

20. After one of his trips to Israel, Mr. Abraham gave Ms. Sugerman a necklace and a pair of earrings from a well-known jeweler in Israel.

21. Ms. Sugerman understood them to be very expensive, and both the necklace and the earrings had multiple types of gemstones set within them.

22. Mr. Abraham did not give others in the office gifts like this, and Ms. Sugerman did not feel comfortable wearing them, especially to the office.

23. Mr. Abraham would frequently comment on the fact that she did not wear the jewelry he had purchased for her.

*Mr. Abraham Touches Ms. Sugerman Inappropriately at Multiple Group Dinners*

24. Within six months of Ms. Sugerman's starting to work for Mr. Abraham, it became evident that he was intent on pursuing a romantic relationship with her.

25. Mr. Abraham often asked Ms. Sugerman to accompany him to dinners he had scheduled with other people, often including well-known figures in New York at that time, including Tommy Lasorda, Ed Koch, and Henry Kissinger. The dinners typically took place at an Italian restaurant on the Upper East Side.

26. At the restaurant, he would ensure he was seated next to Ms. Sugerman at the group table.

27. The tables at this particular restaurant were covered by long white tablecloths, and, covered by this cloth, Mr. Abraham repeatedly put his hand on Ms. Sugerman's thigh, rubbed it, or grabbed her hand and put it on his own leg.

28. Ms. Sugerman forcibly held his hand back so that he could not move his hand farther up her leg.

29. Mr. Abraham repeatedly attempted to move his hand up her leg and towards her vagina.

30. Mr. Abraham pinched and squeezed Ms. Sugerman's leg repeatedly, so hard that it caused visible black and blue marks.

31. These assaults happened on multiple occasions at the same restaurant.

32. Ms. Sugerman also happened to live close to where Mr. Abraham resided at the time, on the East Side in the 50s.

33. Mr. Abraham knew this and would insist that Ms. Sugerman get in his car with him to ride home.

34. In the car, Mr. Abraham often attempted to hold Ms. Sugerman's hand, which she also resisted.

*Mr. Abraham Sexually Assaults Ms. Sugerman in Limousines En Route to SlimFast Events*

35. Part of Ms. Sugerman's role at SlimFast was to facilitate Mr. Abraham's philanthropic activities. This included organizing his participation in various charity events.

36. Some of these events—specifically during travel to and from them—were another venue for Mr. Abraham's sexual assaults of Ms. Sugerman.

37. For example, Ms. Sugerman attended a fundraiser for the Alan T. Brown Foundation at a Westchester, NY golf club with Mr. Abraham. Mr. Abraham had arranged for Ms. Sugerman to travel in his limousine with him to and from Manhattan and Westchester.

38. On the ride there, Mr. Abraham had the driver raise the partition in the car and tried to straddle Ms. Sugerman in the car, reaching his leg over her lap.

39. Ms. Sugerman repeatedly told him to stop.

40. To get Mr. Abraham off her, Ms. Sugerman had to physically remove his leg.



41. Following the Alan T. Brown Foundation fundraiser, a similar series of events took place several more times: on the way to a charity event, Mr. Abraham would arrange to have Ms. Sugerman travel in his limousine, where he would sexually assault her by touching her hand or trying to put his leg over her lap.

42. Ms. Sugerman continued to reject his advances and began arranging her own transportation to or home from these events to avoid the ride with Mr. Abraham.

***Mr. Abraham Makes Inappropriate Remarks to and Requests of Ms. Sugerman***

43. Throughout Ms. Sugerman's employment at SlimFast, Mr. Abraham routinely commented on her appearance, saying things like "you look very pretty today," or "I like that dress you're wearing."

44. He also repeatedly said that she did not spend enough time with him.

45. At one point, Mr. Abraham was having medical issues and, although this was not part of Ms. Sugerman's job description, he asked her to deliver sanitary napkins to his apartment. Ms. Sugerman complied, although she felt uncomfortable. However, once at Mr. Abraham's apartment, he started insisting that she stay with him to "keep him company." Ms. Sugerman declined and left the apartment.

***Mr. Abraham Sexually Abuses Ms. Sugerman During Trips from Teterboro to New York***

46. Mr. Abraham also repeatedly sexually abused Ms. Sugerman by exposing himself and masturbating in front of her on numerous occasions in motels in New Jersey, then sexually assaulting her in car rides on the way to in and inside New York City.

47. Mr. Abraham had declared residency in Florida, and so, to minimize the number of days he spent in New York for tax purposes, when he needed to be in New York City, he would fly into Teterboro airport, wait until after midnight, and then drive into Manhattan.

48. Mr. Abraham would send a limousine to pick up Ms. Sugerman in Manhattan and bring her to a motel near Teterboro, ostensibly to do work for the company.

49. Mr. Abraham would ignore Ms. Sugerman's requests to discuss invitations he had received to philanthropic events during normal business hours. Instead, he would let the invitations pile up and then insist that Ms. Sugerman meet him in New Jersey, late at night—normally around 10:30 p.m.

50. The motels he would bring her to were of a substantially lower quality than the hotels he normally stayed at on trips, which were invariably five-star, luxury hotels.

51. At the motel, Mr. Abraham would be in a room alone when Ms. Sugerman arrived.

52. He would take business calls while lying on the bed, with his pants unzipped and masturbating. Ms. Sugerman was often sitting at the desk in the room, and he would stare at her while touching his penis.

53. When he had finished his calls, Mr. Abraham would tell her to join him on the bed, saying “come here” and “let's have some fun.”

54. She consistently refused to do so and instead would open the door to the room and insist that they leave.

55. Ms. Sugerman hoped that Mr. Abraham's phone calls would continue until it was time for them to leave, and she would count down the minutes until it was close to or after midnight so that she could insist they leave and go back to Manhattan.

56. Once in the limousine back to New York City, both in New York and in New Jersey, Mr. Abraham would again assault Ms. Sugerman, trying to straddle her, kiss her, stick his tongue in her mouth, and pet her head.

57. Ms. Sugerman remembers physically restraining him by putting the bag of invitation envelopes that she would bring to discuss with him between the two of them on the car seat.

58. She repeatedly asked him to “stop” or “leave me alone,” and she also cried and turned her whole body to face away from him.

59. This pattern of premeditated sexual assault in car rides from New Jersey to Manhattan happened between five to ten times over the course of approximately a year of Ms. Sugerman’s employment, both in New Jersey and New York City.

60. During the period of her employment when Mr. Abraham brought her to these motel rooms, he also insisted that Ms. Sugerman see his personal psychiatrist, so that she would “get along better” with Mr. Abraham and “make their business relationship more beneficial.”

61. The psychiatrist was Dr. Edward Stephens, whose office was on the Upper East Side. Dr. Stephens, at the time, personally treated Mr. Abraham, and he was also on Mr. Abraham’s payroll.

62. Ms. Sugerman saw Dr. Stephens on at least one occasion: He asked her about her family relationships and asked if she was seeing anyone romantically. The visit ended when Ms. Sugerman left crying and did not go back again.

***Mr. Abraham Sexually Assaults Ms. Sugerman at Another Social Outing***

63. Mr. Abraham had a daughter, Tammy, who was similar in age to Ms. Sugerman at the time. Tammy and Ms. Sugerman would sometimes go out socially.



64. For Ms. Sugerman's birthday in March 1990, Tammy invited her to go see the movie "Pretty Woman," which had just been released. They planned to see the movie at a theater at Third Avenue and 86<sup>th</sup> Street.

65. Without Ms. Sugerman's knowledge, Tammy invited her father, Mr. Abraham, to the movie as well. He sat next to Ms. Sugerman and put his arm around her, which made her very uncomfortable.

66. After the movie, he insisted on walking Ms. Sugerman to her home, where he grabbed the back of her head, pushed her face towards his, forcibly tried to kiss her, and stuck his tongue in her mouth. She was shocked but pushed him away and hurried into her apartment building.

*SlimFast Makes Clear to Ms. Sugerman That Her Continued Employment Depends on Her Acquiescence to Mr. Abraham's Advances*

67. After Ms. Sugerman refused Mr. Abraham's physical advances, the CEO of SlimFast at the time, Dan Rogers, called her into his office. He had her resume in front of him, even though she had now worked at SlimFast for several years.

68. He asked her—seemingly out of the blue—about her prior work and educational experience, why she did not have a four-year college degree, and about her future plans. Ms. Sugerman was extremely confused by this line of questioning.

69. Mr. Rogers then advised Ms. Sugerman that if she were to "become involved with" Mr. Abraham, it would be "life-changing" and that it is something she should "strongly consider." He emphasized that Mr. Abraham was a "good man" and that she would be "lucky to be with him."

70. Ms. Sugerman pretended she did not understand what Mr. Rogers was insinuating and ended the conversation as quickly as she could.

***Ms. Sugerman is Terminated***

71. Eventually, Ms. Sugerman worked up her courage and asked Mr. Abraham if there was another role that she could fill at SlimFast. She tried to make it seem like she was simply more interested in other types of work.

72. Although he initially refused, Mr. Abraham did then arrange for Ms. Sugerman to work with someone else at SlimFast. However, shortly thereafter, Ms. Sugerman was fired. Dr. Edward Steinberg, Mr. Abraham's brother-in-law, told Ms. Sugerman that her new position was "not working out."

73. As a result of this misconduct, Ms. Sugerman suffered emotional, psychological, physical, and financial harm.

**FIRST CAUSE OF ACTION**  
***(Battery – C.P.L.R. § 214-j)***

74. Ms. Sugerman realleges as if fully set forth herein the allegations contained in the preceding paragraphs.

75. Mr. Abraham's assaults on Ms. Sugerman at the Italian restaurant, in limousines, in front of her apartment building, and on the trips from Teterboro constitute sexual offenses in violation of at least several penal laws in New York. *See, e.g.*, PL 130.52 (Forcible Touching) (Class A misdemeanor) (forcible touching means contact with the "sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire"); PL 130.55 (Sexual Abuse in the Third Degree) (Class B misdemeanor) ("A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent.").

76. This claim is timely pursuant to the New York Adult Survivors Act, N.Y. C.P.L.R. § 214-j, because the action alleges intentional and/or negligent acts or omissions and

claims injury suffered as a result of conduct which would constitute a sexual offense under N.Y. Penal Law § 130, and Ms. Sugerman was eighteen years old or older when such conduct was committed against her.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment against Defendant as follows:

- a. Compensatory damages in an amount to be determined at trial;
- b. Punitive damages in an amount to be determined at trial;
- c. Reasonable attorneys' fees, costs and disbursements; and
- d. Such other and further relief as this Court deems just and equitable.

Dated: December 5, 2023  
New York, New York

EMERY CELLI BRINCKERHOFF  
ABADY WARD & MAAZEL LLP



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VERIFICATION

STATE OF NEW YORK )  
:  
COUNTY OF NEW YORK )

BETH SUGERMAN, being duly sworn, deposes and says:

I am the plaintiff. I have read the forgoing Verified Complaint and know the contents thereof. The same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

Beth Sugerman  
Beth Sugerman (Dec 5, 2023 11:48 EST)

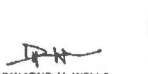
BETH SUGERMAN

**DYMOND V. WELLS**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01WE6390652  
Qualified in New York County  
My Commission Expires 04-22-2027

Sworn to before me this  
5th day of December 2023

Dymond Wells  
Notary Public

*This electronic notarial act  
involved a remote online  
appearance involving the use of  
communication technology.*

  
Digitally signed by  
DYMOND WELLS  
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