



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
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Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
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By: JOSEPH J. TRISCARO 0081209

Confirmation Nbr. 1759720

AKIVA HERSH

CV 19 918097

vs.

Judge: JOAN SYNENBERG

RABBI YISRAEL GRUMER ET AL.

Pages Filed: 26

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

AKIVA HERSH

[REDACTED]

Plaintiff,

vs.

RABBI YISRAEL GRUMER

[REDACTED]

RABBI YITZCHOK MARGARETEN

[REDACTED]

CONGREGATION SHOMRE SHABBOS

c/o David J. Kipins, *Statutory Agent*

[REDACTED]

RABBI RAPHAEL DAVIDOVICH

[REDACTED]

THE HEIGHTS JEWISH CENTER THE
BETH HAMIDROSH HAGODOL OHAVE
EMUNO ANSHE GRODNO
CONGREGATION

c/o Robert Altshuler, *Statutory Agent*

[REDACTED]

RABBI NISSIM ABRIN

[REDACTED]

CONGREGATION BAIS AVROHOM

c/o ACFB Incorporated, *Statutory Agent*

200 Public Square, Suite 2300

Cleveland, OH 44114

) CASE NO.

) JUDGE

RABBI AVRAHAM BENSOUSSAN

[REDACTED]

BEIS ELIYAHU SYNAGOGUE/TORAH
CENTER

c/o Eli Tamkin, Esq., *Statutory Agent*
P.O. Box 21812
South Euclid, OH 44121

RABBI BINYAMIN BLAU

[REDACTED]

GREEN ROAD SYNAGOGUE

c/o Sarah Ehrenreich, *Statutory Agent*
2437 South Green Road
Beachwood, OH 44122

RABBI YEHUDA BLUM

[REDACTED]

CONGREGATION K'HAL YEREIM

c/o Rabbi Yitzchok Y. Blum, *Statutory Agent*

[REDACTED]

RABBI NAPHTALI BURNSTEIN

[REDACTED]

RABBI AHARON LEOVICS

[REDACTED]

YOUNG ISRAEL OF GREATER
CLEVELAND

c/o Ronald Greenfeld, *Statutory Agent*
2463 S. Green Road
Beachwood, OH 44122

RABBI YEHUDA CAHAN

[REDACTED]

RABBI SHOLOM BER CHAIKIN

[REDACTED]

CHABAD HOUSE OF CLEVELAND

c/o Leib Blevsky, *Statutory Agent*

[REDACTED]

RABBI ALEXANDER CHARLOP

[REDACTED]

RABBI MOSHE GARFUNKEL

[REDACTED]

CONGREGATION ZICHRON CHAIM

c/o ACFB Incorporated, *Statutory Agent*

200 Public Square, Suite 2300

Cleveland, OH 44114

RABBI SHNEUR ZALMAN DENCIGER

[REDACTED]

ALEKSANDER SHUL

c/o MLCL Statutory Agent, Inc., *Statutory Agent*

101 W. Prospect Avenue, Suite 1800

Cleveland, OH 44115

RABBI MOSHE EINSTADTER

[REDACTED]

CONGREGATION TORAH UTEFILAH

c/o Bernard Greenberg, *Statutory Agent*

[REDACTED]

RABBI DOVID AARON GROSS

[REDACTED]

CONGREGATION BEIS DONIEL)
c/o Yoav Y. Taub, *Statutory Agent*)
[REDACTED])
[REDACTED])
RABBI BORUCH HIRSCHFELD)
[REDACTED])
[REDACTED])
RABBI AHARON YOEL KUSHNER)
[REDACTED])
[REDACTED])
RABBI MORDECHAI MENDELSON)
[REDACTED])
[REDACTED])
CONGREGATION ZEMACH ZEDEK OF)
CLEVELAND HEIGHTS)
c/o Michael B. Hoen, *Statutory Agent*)
[REDACTED])
[REDACTED])
RABBI EPHRAIM NISENBAUM)
[REDACTED])
[REDACTED])
JEWISH LEARNING CONNECTION, INC.)
c/o 1600 CNB Corp., *Statutory Agent*)
1375 East Ninth Street, 29th Floor)
Cleveland, OH 44114)
[REDACTED])
[REDACTED])
RABBI ARI SPIEGLER)
[REDACTED])
[REDACTED])
THE BEACHWOOD KEHILLA)
c/o M K & W Service Corp., *Statutory Agent*)
30195 Chagrin Boulevard)
Suite 300, Pepper Pike Place)
Cleveland, OH 44124-5703)
[REDACTED])
RABBI SHMUEL SPITZ)
[REDACTED])
[REDACTED])

JOHN DOES 1-50, *Unknown individuals or*)
entities involved in the publication dated on or)
about August 13, 2018, concerning Plaintiff.)
)
Defendants.)

COMPLAINT
(Jury Demand Endorsed Hereon)

Now comes Plaintiff, AKIVA HERSH, by and through counsel, and for his *Complaint against Defendants*, states as follows:

GENERAL ALLEGATIONS

1. At all relevant times, Plaintiff AKIVA HERSH (hereinafter “Plaintiff” or “Hersh”) has been and is an individual residing in Cuyahoga County, Ohio.
2. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI YISRAEL GRUMER (hereinafter “Grumer”) has been and is an individual residing in Cuyahoga County, Ohio.
3. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI YITZCHOK MARGARETEN (hereinafter “Margareten”) has been and is an individual residing in Cuyahoga County, Ohio.
4. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION SHOMRE SHABBOS (hereinafter “Shomre Shabbos”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

5. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendants Grumer and Margaretten were the agent, servant, representative and/or employee of Shomre Shabbos and that in doing the things hereinafter alleged, Defendants Grumer and Margaretten were acting within the course and scope of their authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Shomre Shabbos.

6. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI RAPHAEL DAVIDOVICH (hereinafter “Davidovich”) has been and is an individual residing in Cuyahoga County, Ohio.

7. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant THE HEIGHTS JEWISH CENTER THE BETH HAMIDROSH HAGODOL OHAVE EMUNO ANSHE GRODNO CONGREGATION (hereinafter “The Heights Jewish Center”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

8. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Davidovich was the agent, servant, representative and/or employee of The Heights Jewish Center and that in doing the things hereinafter alleged, Defendant Davidovich was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of The Heights Jewish Center.

9. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI NISSIM ABRIN (hereinafter “Abrin”) has been and is an individual residing in Cuyahoga County, Ohio.

10. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION BAIS AVROHOM (hereinafter “Bais Avrohom”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

11. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Abrin was the agent, servant, representative and/or employee of Bais Avrohom and that in doing the things hereinafter alleged, Defendant Abrin was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Bais Avrohom.

12. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI AVRAHAM BENSOUSSAN (hereinafter “Bensoussan”) has been and is an individual residing in Cuyahoga County, Ohio.

13. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant BEIS ELIYAHU SYNAGOGUE/TORAH CENTER (hereinafter “Beis Eliyahu”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

14. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Bensoussan was the agent, servant, representative and/or employee of Beis Eliyahu and that in doing the things hereinafter alleged, Defendant Bensoussan was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Beis Eliyahu.

15. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI BINYAMIN BLAU (hereinafter “Blau”) has been and is an individual residing in Cuyahoga County, Ohio.

16. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant GREEN ROAD SYNAGOGUE (hereinafter “Green Road”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

17. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Blau was the agent, servant, representative and/or employee of Green Road and that in doing the things hereinafter alleged, Defendant Blau was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Green Road.

18. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI YEHUDA BLUM (hereinafter “Blum”) has been and is an individual residing in Cuyahoga County, Ohio.

19. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION K'HAL YEREIM (hereinafter “K’hal Yereim”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

20. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Blum was the agent, servant, representative and/or employee of K’hal Yereim and that in doing the things hereinafter alleged, Defendant Blum was acting within the course

and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of K'hal Yereim.

21. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI NAPHTALI BURNSTEIN (hereinafter "Burnstein") has been and is an individual residing in Cuyahoga County, Ohio.

22. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI AHARON LEOVICS (hereinafter "Lebovics") has been and is an individual residing in Cuyahoga County, Ohio.

23. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant YOUNG ISRAEL OF GREATER CLEVELAND (hereinafter "Young Israel") has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

24. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendants Burnstein and Lebovics were the agent, servant, representative and/or employee of Young Israel and that in doing the things hereinafter alleged, Defendants Burnstein and Lebovics were acting within the course and scope of their authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Young Israel.

25. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI YEHUDA CAHAN (hereinafter "Cahan") has been and is an individual residing in Cuyahoga County, Ohio.

26. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI SHOLOM BER CHAIKIN (hereinafter “Chaikin”) has been and is an individual residing in Cuyahoga County, Ohio.

27. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CHABAD HOUSE OF CLEVELAND (hereinafter “Chabad House”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

28. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendants Cahan and Chaikin were the agent, servant, representative and/or employee of Chabad House and that in doing the things hereinafter alleged, Defendants Cahan and Chaikin were acting within the course and scope of their authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Chabad House.

29. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI ALEXANDER CHARLOP (hereinafter “Charlop”) has been and is an individual residing in Cuyahoga County, Ohio.

30. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI MOSHE GARFUNKEL (hereinafter “Garfunkel”) has been and is an individual residing in Cuyahoga County, Ohio.

31. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION ZICHRON CHAIM (hereinafter “Zichron Chaim”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

32. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendants Charlop and Garfunkel were the agent, servant, representative and/or employee of Zichron Chaim and that in doing the things hereinafter alleged, Defendants Charlop and Garfunkel were acting within the course and scope of their authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Zichron Chaim.

33. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI SHNEUR ZALMAN DENCIGER (hereinafter “Denciger”) has been and is an individual residing in Cuyahoga County, Ohio.

34. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant ALEKSANDER SHUL (hereinafter “Aleksander”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

35. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Denciger was the agent, servant, representative and/or employee of Aleksander and that in doing the things hereinafter alleged, Defendant Denciger was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Aleksander.

36. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI MOSHE EINSTADTER (hereinafter “Einstadter”) has been and is an individual residing in Cuyahoga County, Ohio.

37. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION TORAH UTEFILAH (hereinafter “Torah Utefilah”) has been

and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

38. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Einstadter was the agent, servant, representative and/or employee of Torah Utefilah and that in doing the things hereinafter alleged, Defendant Einstadter was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Torah Utefilah.

39. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI DOVID AARON GROSS (hereinafter “Gross”) has been and is an individual residing in Cuyahoga County, Ohio.

40. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION BEIS DONIEL (hereinafter “Beis Doniel”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

41. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Gross was the agent, servant, representative and/or employee of Beis Doniel and that in doing the things hereinafter alleged, Defendant Gross was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Beis Doniel.

42. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI BORUCH HIRSCHFELD (hereinafter “Hirschfeld”) has been and is an individual residing in Cuyahoga County, Ohio.

43. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI AHARON YOEL KUSHNER (hereinafter “Kushner”) has been and is an individual residing in Cuyahoga County, Ohio.

44. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI MORDECHAI MENDELSON (hereinafter “Mendelson”) has been and is an individual residing in Cuyahoga County, Ohio.

45. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant CONGREGATION ZEMACH ZEDEK OF CLEVELAND HEIGHTS (hereinafter “Zemach Zedek”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

46. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendants Kushner and Mendelson were the agent, servant, representative and/or employee of Zemach Zedek and that in doing the things hereinafter alleged, Defendants Kushner and Mendelson were acting within the course and scope of their authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Zemach Zedek.

47. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI EPHRAIM NISENBAUM (hereinafter “Nisenbaum”) has been and is an individual residing in Cuyahoga County, Ohio.

48. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant JEWISH LEARNING CONNECTION, INC. (hereinafter “Jewish Learning”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

49. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Nisenbaum was the agent, servant, representative and/or employee of Jewish Learning and that in doing the things hereinafter alleged, Defendant Nisenbaum was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Jewish Learning.

50. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI ARI SPIEGLER (hereinafter “Spiegler”) has been and is an individual residing in Cuyahoga County, Ohio.

51. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant THE BEACHWOOD KEHILLA (hereinafter “Beachwood Kehilla”) has been and is an entity duly organized and existing under the laws of the State of Ohio, with its principal place of business in Cuyahoga County, Ohio.

52. Plaintiff is informed and believes and thereon alleges that at all times relevant Defendant Spiegler was the agent, servant, representative and/or employee of Beachwood Kehilla and that in doing the things hereinafter alleged, Defendant Spiegler was acting within the course and scope of his authority as such agent, servant, representative and/or employee, with the permission, knowledge, consent and ratification of Beachwood Kehilla.

53. Plaintiff is informed and believes and thereon alleges that at all relevant times Defendant RABBI SHMUEL SPITZ (hereinafter “Spitz”) has been and is an individual residing in Cuyahoga County, Ohio.

54. Defendants Grumer, Margareten, Davidovich, Abrin, Bensoussan, Blau, Blum, Burnstein, Lebovics, Cahan, Chaikin, Charlop, Garfunkel, Denciger, Einstadter, Gross,

Hirschfeld, Kushner, Mendelson, Nisenbaum, Spiegler and Spitz shall be referred to herein as the “Rabbi Defendants.”

55. Defendants JOHN DOES 1 through 50, inclusive, are sued herein under fictitious names. Their true names and capacities are presently unknown to Plaintiff. When said true names and capacities are ascertained, Plaintiff will amend this Complaint by inserting such information. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Defendants is responsible in some manner for the occurrences alleged herein and Plaintiff’s damages were proximately caused by said Defendants. Unless otherwise indicated, all Defendants, including JOHN DOE defendants, are collectively referred to herein as the “Defendants.”

FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

56. In 2015, Hersh moved from Texas to Northeast Ohio to work for the son of Rabbi Mordechai Gifter.

57. Rabbi Mordechai Gifter (October 15, 1915 - January 18, 2001) was the rosh yeshiva (dean) of the Telz Yeshiva (an Orthodox Jewish educational institution) in Cleveland and among the foremost religious leaders of Orthodox Jewry in the late 20th century.

58. Prior to his death, Rabbi Mordechai Gifter had desired for his son, Rabbi Zalman Gifter, to become the rosh yeshiva of the Telz Yeshiva, which caused tension and division within the Cleveland Orthodox Jewish community.

59. Plaintiff assisted Rabbi Zalman Gifter to oppose certain identified wrongdoings within the Cleveland Orthodox Jewish community, and as a consequence thereof received threats by certain influential members of the community.

60. At all times relevant hereto, the Vaad Harabonim of Cleveland (“Vaad Harbonim”) was made up of the individual Rabbi Defendants, and serves as the Orthodox rabbinical council for the Cleveland community. The Vaad Harabonim also serves as the local kosher supervision agency in the Cleveland metropolitan area.

61. On or about August 13, 2018, the Defendants read an announcement concerning Hersh before all of their respective congregations, and a written form of such announcement was also posted at each congregation (the “Hersh Publication”). The Hersh Publication stated as follows:

VAAD HARABONIM OF CLEVELAND

August 13, 2018

As Rabbonim in the community, we have a responsibility to protect all our members.

We therefore must share with you that we have recently learned that Mr. Akiva Meir Hersh, 3762 Bainbridge Road, Cleveland Heights, is alleged to have engage in inappropriate behavior with young men under the age of thirteen.

We have also learned that police reports have been filed detailing his activities.

We understand that he is attempting to create a Boy Scout troop. We are concerned that this is a potentially unhealthy and dangerous situation.

We alert you to our concerns and warn you not to let young children be in his care.

Signed,

Vaad HaRabonom of Cleveland

A true and correct copy of the Hersh Publication is attached hereto as *Exhibit 1*.

62. As a result of Defendants’ actions, on August 29, 2018, the Cleveland Jewish News published a news article titled “Orthodox, Modern Orthodox synagogues warn members of suspicious man.” The article can be found online at:

https://www.clevelandjewishnews.com/news/local_news/orthodox-modern-orthodox-synagogues-warn-members-of-suspicious-man/article_213900d0-abbc-11e8-b8d2-034da4306885.html.

63. As a further consequence of Defendants' actions, additional online articles were published, including an article titled "Cleveland Rabbis: 'Don't Give Akiva Meir Hersh Access to Children,'" which was posted on an online blog relating to child sex abuse in the Orthodox Jewish world. The article can be found online at: <https://frumfollies.wordpress.com/2018/08/23/cleveland-rabbis-warn-not-to-give-akiva-meir-hersh-access-to-children/>.

64. As a further consequence of Defendants' actions, an additional website has posted the Hersh Publication with the title "Akiva Hersh of Cleveland A Sexual Predator??" This online positing can be found at: <http://dusiznies.blogspot.com/2018/08/akiva-meir-hersh-of-cleveland-sexual.html>.

65. The foregoing online postings are the top hits on Google when one searches for "Akiva Hersh."

66. Plaintiff is informed and believes and thereon alleges that the Hersh Publication was made by Defendants to ruin Hersh's reputation in the community, and as retaliation to Hersh's opposition to certain identified wrongdoings within the Cleveland Orthodox Jewish community and assistance to Rabbi Zalman Gifter.

67. Plaintiff is informed and believes and thereon alleges that Defendants made the foregoing statements with the specific intent to injure Hersh and without any reasonable basis for believing them to be true.

68. The Defendant congregations are organized as self-governing entities, and are thus, congregational in nature.

COUNT I
(Defamation Per Se Against All Defendants)

69. Plaintiff repeats and re-alleges the foregoing paragraphs, inclusive, and incorporates the same herein by reference.

70. On or about August 13, 2018, Defendants made the following defamatory statements to individuals in the Orthodox Jewish community concerning Hersh:

- a. We therefore must share with you that we have recently learned that Mr. Akiva Meir Hersh, 3762 Bainbridge Road, Cleveland Heights, is alleged to have engage in inappropriate behavior with young men under the age of thirteen.
- b. We understand that he is attempting to create a Boy Scout troop. We are concerned that this is a potentially unhealthy and dangerous situation.
- c. We alert you to our concerns and warn you not to let young children be in his care.

71. The statements made by Defendants, and each of them, imported a charge of an indictable offense involving moral turpitude and/or infamous punishment because the statements created the impression that Hersh had engaged in unlawful sexual conduct with young boys under the age of thirteen.

72. The statements made by Defendants, and each of them, had the tendency to injure Hersh in his occupation, because no one would desire to deal professionally with someone who engages in inappropriate behavior with young men under the age of thirteen.

73. The statements made by Defendants, and each of them, had the tendency to subject Hersh to public hatred, ridicule and contempt.

74. Upon information and belief, members of the Orthodox Jewish community understood that the statements were about Hersh as the statements were made of, concerning, and mentioned Hersh expressly. Further, the statement identified Hersh's residential address.

75. The statements made concerning Hersh are false and defamatory, and expose Hersh and his family to hatred, contempt, ridicule, and obloquy because Hersh did not engage in inappropriate behavior with young men under the age of thirteen. These statements were understood by those who heard them that Hersh had engaged in unlawful sexual conduct with young boys under the age of thirteen.

76. Upon information and belief, Defendants, and each of them, failed to use reasonable care to determine the truth or falsity of the statements. Upon information and belief, the wrongful conduct of Defendants, and each of them, was a substantial factor in causing Hersh harm.

77. As a proximate result of the above-described statements, Hersh has suffered loss to his reputation, shame and mortification.

78. As a proximate result of the above-described statements, Hersh has experienced mental pain and suffering and has lost the ability to perform his usual activities, resulting in a diminished quality of life.

79. As a proximate result of the above-described statements, Hersh has incurred medical expenses and will incur additional medical expenses in the future.

80. As a proximate result of the above-described statements, Hersh has and will continue to sustain a loss of earnings and loss of earning capacity.

81. Upon information and belief, in engaging in the above conduct, Defendants, and each of them, acted with malice, oppression, and/or fraud, entitling Hersh to punitive damages.

COUNT II
(Defamation Per Quod Against All Defendants)

82. Plaintiff repeats and re-alleges the foregoing paragraphs, inclusive, and incorporates the same herein by reference.

83. On or about August 13, 2018, Defendants made the following defamatory statements to individuals in the Orthodox Jewish community concerning Hersh:

- a. We therefore must share with you that we have recently learned that Mr. Akiva Meir Hersh, 3762 Bainbridge Road, Cleveland Heights, is alleged to have engage in inappropriate behavior with young men under the age of thirteen.
- b. We understand that he is attempting to create a Boy Scout troop. We are concerned that this is a potentially unhealthy and dangerous situation.
- c. We alert you to our concerns and warn you not to let young children be in his care.

84. The statements made by Defendants, and each of them, at the very least, contained innuendo that Hersh engaged in sexual and/or inappropriate relations with boys under the age of thirteen, and that Hersh posed a risk of harm if provided access to young children.

85. Upon information and belief, members of the Orthodox Jewish community understood that the statements were about Hersh as the statements were made of, concerning, and mentioned Hersh expressly. Further, the statement identified Hersh's residential address.

86. The statements made concerning Hersh are false and defamatory, and expose Hersh and his family to hatred, contempt, ridicule, and obloquy because Hersh did not engage in

inappropriate behavior with young men under the age of thirteen. These statements were understood by those who heard them that Hersh had engaged in unlawful sexual conduct with young boys under the age of thirteen.

87. Upon information and belief, Defendants, and each of them, failed to use reasonable care to determine the truth or falsity of the statements. Upon information and belief, the wrongful conduct of Defendants, and each of them, was a substantial factor in causing Hersh harm.

88. As a proximate result of the above-described statements, Hersh has suffered loss to his reputation, shame and mortification.

89. As a proximate result of the above-described statements, Hersh has experienced mental pain and suffering and has lost the ability to perform his usual activities, resulting in a diminished quality of life.

90. As a proximate result of the above-described statements, Hersh has incurred medical expenses and will incur additional medical expenses in the future.

91. As a proximate result of the above-described statements, Hersh has and will continue to sustain a loss of earnings and loss of earning capacity.

92. Upon information and belief, in engaging in the above conduct, Defendants, and each of them, acted with malice, oppression, and/or fraud, entitling Hersh to punitive damages.

COUNT III
(False Light Against All Defendants)

93. Plaintiff repeats and re-alleges the foregoing paragraphs, inclusive, and incorporates the same herein by reference.

94. On or about August 13, 2018, Defendants made the following statements to individuals in the Orthodox Jewish community concerning Hersh:

- a. We therefore must share with you that we have recently learned that Mr. Akiva Meir Hersh, 3762 Bainbridge Road, Cleveland Heights, is alleged to have engage in inappropriate behavior with young men under the age of thirteen.
- b. We understand that he is attempting to create a Boy Scout troop. We are concerned that this is a potentially unhealthy and dangerous situation.
- c. We alert you to our concerns and warn you not to let young children be in his care.

95. The Hersh Publication was communicated to almost the entire Cleveland Orthodox Jewish community.

96. The Hersh Publication was further disseminated to the general public through the Cleveland Jewish News article and various online postings set forth above.

97. The statements contained within the Hersh Publication placed Hersh before the public in a false light.

98. The statements contained within the Hersh Publication are highly offensive to a reasonable person.

99. Defendants acted with reckless disregard to the falsity of the publicized matter and the false light in which Plaintiff was placed.

100. As a proximate result of the above-described statements, Hersh has experienced mental pain and suffering and has lost the ability to perform his usual activities, resulting in a diminished quality of life.

101. As a proximate result of the above-described statements, Hersh has incurred medical expenses and will incur additional medical expenses in the future.

102. As a proximate result of the above-described statements, Hersh has and will continue to sustain a loss of earnings and loss of earning capacity.

103. Upon information and belief, in engaging in the above conduct, Defendants, and each of them, acted with malice, oppression, and/or fraud, entitling Hersh to punitive damages.

COUNT IV

(Intentional/Negligent Infliction of Emotional Distress Against All Defendants)

104. Plaintiff repeats and re-alleges the foregoing paragraphs, inclusive, and incorporates the same herein by reference.

105. Defendants' conduct was extreme and outrageous and was intentional, negligent or donerecklessly.

106. Defendants ratified or approved of the extreme and outrageous conduct of the Rabbi Defendants.

107. As a result of Defendants' conduct, Plaintiff experienced and continues to experience severe emotional distress resulting in great mental harm and anguish.

108. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally,
as follows:

- (a) Judgment against Defendants in an amount greater than \$25,000, to be determined at trial;
- (b) Punitive damages in an amount greater than \$25,000, to be determined at trial;
- (c) Court costs and interest at the applicable rate;
- (d) All attorney fees and litigation expenses incurred by Plaintiff in bringing this action; and
- (e) All other relief this Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38(B) of the Ohio Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues in this action triable by a jury.

Respectfully submitted,

/s/ Joseph J. Triscaro
Joseph J. Triscaro (#0081209)
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Attorney for Plaintiff
Akiva Hersh

EXHIBIT 1

VAAD HARABONIM OF CLEVELAND

August 13, 2018

As Rabbonim in the community, we have a responsibility to protect all our members.

We therefore must share with you that we have recently learned that Mr. Akiva Meir Hersh, 3762 Bainbridge Road, Cleveland Heights, is alleged to have engaged in inappropriate behavior with young men under the age of thirteen.

We have also learned that police reports have been filed detailing his activities.

We understand that he is attempting to create a Boy Scout troop. We are concerned that this is a potentially unhealthy and dangerous situation.

We alert you to our concerns and warn you not to let young children be in his care.

Signed,

Vaad HaRabbonim of Cleveland

Signatures?