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

HALEIGH BREEST,

Plaintiff,

-against-

PAUL HAGGIS,

Defendant.

Index No.

VERIFIED COMPLAINT

Plaintiff, by her attorneys Emery Celli Brinckerhoff & Abady LLP, alleges as follows for her complaint:

PRELIMINARY STATEMENT

1. This is a shocking and egregious case of rape and sexual assault. Defendant Paul Haggis is an acclaimed Hollywood director, screenwriter, and producer, who has won two Academy Awards. Plaintiff Haleigh Breest is a young woman who works for a company that plans film premieres and parties in New York City. Approximately five years ago, Paul Haggis sexually assaulted Haleigh Breest in his SoHo apartment. At the time, Ms. Breest was only 26 years old—less than half Mr. Haggis's age.

2. The emotional and psychological damage to Ms. Breest from the attack cannot be overstated: it has been profound and lasting. Like many victims of sexual assault, due to a combination of trauma, fear, and shame, Ms. Breest refrained for many years from speaking out about the assault. But Ms. Breest came to realize she could not repress what had happened. She sought mental health treatment and, eventually, gained the courage to come forward.

3. The assault occurred on the evening of January 31, 2013, when both Ms. Breest and Mr. Haggis were present at a movie premiere on the Upper West Side in Manhattan.

Mr. Haggis was there as a celebrity guest and Ms. Breest was working as a publicist. Toward the end of the event, Mr. Haggis offered Ms. Breest a ride home.

4. As they got into his car, Mr. Haggis invited Ms. Breest over for a drink. Ms. Breest told him she was willing to go to a public bar, but stated she did not want to go to his apartment. Mr. Haggis insisted they go to his apartment. Recognizing that Mr. Haggis was a powerful member of the Hollywood elite who could influence her career, and faced with his persistence, Ms. Breest ultimately relented and went with Mr. Haggis to his Mercer Street residence.

5. Once inside, Mr. Haggis almost immediately began to make unwanted sexual advances and to forcibly kiss her. She repeatedly told him "No" but he would not stop. Ms. Breest was shocked, confused, and extremely fearful. Apparently sensing she was afraid, Mr. Haggis said in an aggressive and menacing tone, "You're scared of me, aren't you?"

6. Eventually, Mr. Haggis succeeded in getting Ms. Breest into a bedroom where he began violently to try and remove her tights. She resisted, struggling to push him off, but he continued. After multiple, forcible attempts to remove her tights, he succeeded. Mr. Haggis forced her to give him oral sex and aggressively inserted his finger into her vagina. He told her he liked anal sex. Then, he raped her.

7. Ms. Breest now brings this civil suit to recover compensatory, punitive, and emotional distress damages for this unconscionable, pernicious, and insidious sexual assault.

PARTIES

8. Plaintiff Haleigh Breest is a resident of New York County.

9. Defendant Paul Haggis is a resident of New York County.

VENUE

10. Plaintiff designates New York County as the place of trial. Under CPLR 503, venue is based on the residence of both the parties and on the location where the cause of action arose. Under CPLR 509, venue is based on the county designated by plaintiff.

JURY DEMAND

11. Plaintiff demands a trial by jury in this action.

FACTS

12. Born in Atlanta, Haleigh Breest grew up in a stable and intact family: her father worked in corporate communications including in crisis management for a major commercial airline; her mother was a customer service representative for a well-established U.S. business; one brother is presently a college student; the other is a pilot in the United States Air Force, who recently served in Afghanistan.

13. Ms. Breest's first job at age 16 was as a Page in the United States House of Representatives, a position she was selected for by the Speaker of the House. She went on to obtain a degree from the Fashion Institute of Technology in marketing and communications. After graduation, she began a career in the media and entertainment industry. She has worked with a number of leading media and entertainment properties and on numerous high-profile events per year. She currently serves as the media and talent relations officer for a nationally recognized non-profit, where she most recently produced a summit with Secretary Hillary Clinton.

14. Ms. Breest also works as a freelance publicist for a company that hosts Hollywood film premieres and parties in New York City. Ms. Breest's job includes helping to organize these events, greeting the celebrities who attend, and ensuring that these celebrities are

photographed with, and introduced to, the appropriate guests at the events.

15. On January 31, 2013, when Ms. Breest was 26 years old, she was working at the premiere and after-party for the Hollywood film *Side Effects*.

16. One of the guests at this event was Paul Haggis.

17. Mr. Haggis is a famous director, producer, and screenwriter. His numerous accolades and honors include Academy Awards for the films *Crash* and *Million Dollar Baby*.

18. When Ms. Breest met Mr. Haggis on January 31, 2013, he was almost 60 years old.

19. Ms. Breest had seen Mr. Haggis before at other Hollywood events that she was working at. She knew that Mr. Haggis was famous and that he was powerful and influential in the Hollywood world where she worked and hoped to grow her career.

20. At the end of the event on January 31, 2013, Ms. Breest found herself having drinks with Mr. Haggis and some other guests.

21. Mr. Haggis offered Ms. Breest a ride home in his car.

22. Mr. Haggis and Ms. Breest got into the car.

23. Mr. Haggis and Ms. Breest drove to Mr. Haggis' apartment.

24. When they arrived, Mr. Haggis invited Ms. Breest to come up to his apartment for a drink.

25. Ms. Breest was mindful of the influence Mr. Haggis could have on her career. She did not want to offend him, but she did not want to go to his apartment. She said she would feel more comfortable if they went to a public bar. But Mr. Haggis insisted that she come to his place.

26. Ms. Breest was nervous and intimidated but felt she had to say yes. She explicitly told Mr. Haggis she wanted it to be clear that she was just coming up for a drink, not spending the night.

27. Mr. Haggis and Ms. Breest went into Mr. Haggis' apartment.

28. When they got to Mr. Haggis' apartment, Mr. Haggis gave Ms. Breest wine.

29. Almost immediately, Mr. Haggis became sexually aggressive and began to make unwanted sexual advances.

30. Mr. Haggis kissed Ms. Breest.

31. It was a forcible kiss without Ms. Breest's consent.

32. Ms. Breest was petrified and felt paralyzed. She did not want to be with Mr. Haggis, but was worried about offending him and making him an enemy.

33. Apparently sensing she was afraid, Mr. Haggis said in a menacing and intimidating voice: "You're scared of me, aren't you?"

34. At a certain point, Mr. Haggis said: "How old are you?"

35. When Ms. Breest responded that she was 26, hoping this would make it clear to him that she was far too young for him, Mr. Haggis angrily said: "Don't fucking act like an 18 year old."

36. Ms. Breest was scared. She realized she was trapped, because the only way out of Mr. Haggis's penthouse apartment was by calling an elevator with a wall button located inside his apartment. She was sure he would stop any attempt she made to leave and she was afraid of what would happen if she tried to escape.

37. She asked Mr. Haggis: "Why are you doing this?" He responded: "What

do you mean? You've been flirting with me for months."

38. Ms. Breest's prior interactions with Mr. Haggis were brief and consisted of professional greetings at prior premieres.

39. Mr. Haggis and Ms. Breest went into a bedroom.

40. Mr. Haggis got Ms. Breest onto a bed.

41. Mr. Haggis began to try and remove her tights.

42. He did this with significant force and violence.

43. Ms. Breest pushed his hands away.

44. She repeatedly told him "No."

45. But Mr. Haggis did not stop.

46. It seemed to Ms. Breest that the more she said "No," the more excited Mr. Haggis became.

47. Ms. Breest was terrified and felt like she was going to be raped.

48. After many attempts, Mr. Haggis succeeded in ripping Ms. Breest's tights off her.

49. Mr. Haggis pulled off his own pants and Banana Republic boxers.

50. His penis was erect.

51. He commanded Ms. Breest: "Put my dick in your mouth."

52. Mr. Haggis forced Ms. Breest to give him oral sex.

53. Ms. Breest gave Mr. Haggis oral sex.

54. Mr. Haggis inserted his finger into Ms. Breest's vagina.

55. When Mr. Haggis roughly inserted his finger into Ms. Breest's vagina, he said: "You're nice and tight."

56. Ms. Breest was mortified and in a state of absolute shock.

57. Mr. Haggis applied lubricant to himself.

58. Mr. Haggis continued to force his fingers inside her.

59. Ms. Breest lay frozen in fear. It hurt and she was scared of what would happen next.

60. Mr. Haggis told Ms. Breest he liked anal sex.

61. Mr. Haggis kept demanding sex. When Ms. Breest said no, he said: "I've had a vasectomy, so you're fine. You can't get pregnant."

62. Then, Mr. Haggis vaginally penetrated Ms. Breest with his penis.

63. Ms. Breest did not consent to have sex with Mr. Haggis.

64. Mr. Haggis raped her.

65. During the course of the sexual encounter with Ms. Breest, Mr. Haggis ejaculated.

66. Eventually, Ms. Breest lost consciousness.

67. She woke up hours later, alone in a bedroom.

68. Ms. Breest felt sore, scared, humiliated, and stunned.

69. Ms. Breest saw Mr. Haggis in the master bedroom on the opposite side of his apartment. Ms. Breest left the apartment and went home.

70. She felt pain in her vagina. When she got home, she inspected herself with a mirror. She observed vaginal tearing.

71. That same day, Ms. Breest described what Mr. Haggis had done to her, and the pain she was experiencing, to a close friend, and a few days later, to another close friend. Both friends remember the incident to this day and corroborate Ms. Breest's account.

72. Ms. Breest also has corroborating contemporaneous text messages with her friends.

73. Ms. Breest went to a Planned Parenthood clinic to be tested for sexually transmitted diseases.

74. As the years passed, Ms. Breest continued to struggle to process what Mr. Haggis had done to her. She has discussed it with other friends.

75. She desperately tried to forget and repress what had happened.

76. But the scarring and emotional injury did not dissipate. Ms. Breest struggled with a lack of confidence, anxiety, and body image issues.

77. She found herself unable to have any intimate relationship with a man.

78. Eventually, in June of 2017, Ms. Breest sought mental health treatment with a well-credentialed and highly experienced psychologist, who immediately suspected and asked if Ms. Breest was the victim of sexual assault. Ms. Breest then told her psychologist what Mr. Haggis had done to her. Ms. Breest's psychologist found she met the criteria for Post Traumatic Stress Disorder (PTSD) and recorded Ms. Breest's struggles to emotionally process the encounter with Mr. Haggis, including sleeping problems, severe anxiety, flashbacks, body image issues, and the inability to have an intimate relationship with anyone subsequently—many of which are typical of rape victims.

79. Astonishingly and hypocritically, Mr. Haggis has portrayed himself publically as a supporter of women's rights. Recently, he condemned the producer Harvey Weinstein in the wake of allegations that Mr. Weinstein sexually harassed and assaulted as many as 40 women, saying: "I mean, he was a predator and a predator is a predator. But what about

those who would rather look the other way?"[1]

80. Ms. Breest saw these news reports and was simultaneously shocked and outraged. The truth she knows and has lived is that behind the façade of these comments lies another predator, a man willing to force himself on a young woman less than half his age and take pleasure in the fear and pain he caused her. Ms. Breest will not look the other way any longer.

FIRST CAUSE OF ACTION
Crime of Violence Motivated by Gender –
New York City Victims of Gender-Motivated Violence Protection Act
N.Y.C. Admin. Code §§ 8-901 *et seq.*

81. Plaintiff repeats and realleges the above paragraphs as if fully set forth herein.

82. Defendant's acts described above violate Section 8-904 of the New York City Administrative Code.

83. By raping Plaintiff, by forcing Plaintiff to give him oral sex, and by forcibly inserting his fingers into Plaintiff's vagina, Defendant has engaged in crimes of violence as defined in the New York City Administrative Code § 8-903. Forcing Plaintiff to have sexual intercourse against her will constitutes rape in the first degree, a class B felony and a violation of N.Y. Penal Law § 130.35. Forcibly inserting his finger into Plaintiff's vagina constitutes aggravated sexual abuse in the first degree, another class B felony and a violation of N.Y. Penal Law § 130.70. Forcing Plaintiff to give him oral sex constitutes a criminal sexual act in the third degree, a class E felony, in violation of N.Y. Penal Law § 130.40.

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[1] https://www.theguardian.com/film/2017/oct/21/hollywood-finished-paul-haggis-harvey-weinstein-scandal. *See also* https://twitter.com/DRUDGE_REPORT/status/922456895268388865. Mr. Haggis also appeared in a 2011 documentary entitled *Miss Representation* focused on the ways in which women are portrayed in the media. In the documentary, Mr. Haggis criticized Hollywood for portraying less interesting female characters today than in the 1920s, '30s, and '40s, and concluded: "We tend not to write women as human beings. It's cartoons we're making now." http://www.newyorkminutemag.com/paul-haggis-we-put-women-in-boxes/

84. Defendant's crimes of violence were motivated by Plaintiff's gender as defined in the New York City Administrative Code § 8-903, as evidenced by Defendant's threats (e.g. "You're scared of me, aren't you?"), his apparent excitement at Plaintiff's repeating "No" and trying to push him away, and the forceful and cruel ways in which he treated Plaintiff.

85. As a result of Defendant's crimes of violence motivated by gender against Plaintiff, Plaintiff has been damaged and is entitled to compensatory damages in an amount to be determined at trial and to attorneys' fees and costs.

86. Defendant's actions in violation of the New York City Victims of Gender-Motivated Violence Protection Act were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights, for which she is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant her the relief requested as follows:

A. An award of damages to be determined at trial to compensate Plaintiff for all non-monetary and compensatory harm, including, but not limited to, compensation for her physical injuries, pain and suffering, PTSD, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering;

B. An award of punitive damages, in an amount to be determined at trial, sufficient to deter Defendant from engaging in future illegal and/or wrongful conduct;

C. An award of costs that Plaintiff incurred in this action, as well as her reasonable attorneys' fees, to the fullest extent permitted by law;

D. Such other and further relief as the Court may deem just and proper.

Dated: New York, New York
December 15, 2017

EMERY CELLI BRINCKERHOFF
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/s/

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VERIFICATION

STATE OF NEW YORK)
:
COUNTY OF NEW YORK)

HALEIGH BREEST, being duly sworn, deposes and says:

I am the plaintiff. I have read the foregoing 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.

HALEIGH BREEST

Sworn to before me this
15th day of December 2017

Notary Public

ILANN MARGALIT MAAZEL
Notary Public, State of New York
No. [illegible]
Qualified in New York County
Commission Expires March 8, 2019