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

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ELIZABETH COMBIER,
Plaintiff Pro Se,

-against- COMPLAINT

FRED ANDERSON, CHARLES AMSTEIN,
J. RICHARD FREY, THE SESSION, THE TRUSTEES,
THE DEACONS OF MADISON AVENUE PRESBYTERIAN
CHURCH individually and collectively in office on or about March 31, 1998,
and thereafter, with the exception of SESSION MEMBER ERIC SELCH)
and The Presbtery of New York City

Defendants Index No. 99115354

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The plaintiff pro se ELIZABETH COMBIER, complaining of the defendants herein, respectfully alleges:

FIRST: At all the times hereinafter mentioned, plaintiff ELIZABETH COMBIER (COMBIER) was and is a resident of the County of New York, State of New York.

SECOND: At all the times hereinafter mentioned, the plaintiff pro se COMBIER was and is a member of the Madison Avenue Presbyterian Church (MAPC) since 1962. COMBIER actively participated in the life and worship of MAPC by teaching sunday school, singing in the choir, attending the nursery school of the Church and enrolling all 4 of her children in the choir, school, and sunday school.

THIRD: COMBIER'S mother, Julia Elizabeth Taschereau, was a member of Madison Avenue Presbyterian Church from her baptism in 1948 until her death on March 16, 1998. Taschereau was an active volunteer and was the Music Program Assistant at MAPC for almost 30 years.

FOURTH: Upon information and belief, TASCHEREAU made large and substantial donations to MAPC over the years.

FIFTH: TASCHEREAU gave almost all of the parties and get - togethers for the Church choir, staff, and concert-goers during the year from September to June in her apartment at 201 EAST 77TH STREET.

SIXTH: Upon information and belief, at all the times hereinafter mentioned, the defendant FRED R. ANDERSON was and is the PASTOR of MAPC.

SEVENTH: Upon information and belief, at all the times hereinafter mentioned, the defendant CHARLES A. AMSTEIN was and is the ASSOCIATE PASTOR of MAPC.

EIGHTH: Upon information and belief, at all the times hereinafter mentioned, the defendant J. RICHARD FREY was and is the BUSINESS MANAGER of MAPC.

NINTH: Upon information and belief, at all the times hereinafter mentioned, the defendants THE SESSION, THE TRUSTEES, AND THE DEACONS are, both individually and collectively, official representatives of the life and work of the Church, and serve to make decisions concerning the membership. ERIC SELCH, a Member of SESSION, will not be named as a defendant in this case.

TENTH: THE PRESBYTERY OF NEW YORK CITY is the governing body directly above the particular churches of the Presbyterian Church (USA), and as such has judicial authority over MAPC.

AS AND FOR A FIRST CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL HARM

ELEVENTH: On or about March 16, 1998, Julia TASCHEREAU died in her apartment in New York City.

TWELFTH: On or about March 18, 1998, plaintiff pro se COMBIER filed TASCHEREAU's Last Will and Testament, executed on November 21, 1997, in Surrogate's Court, New York County. Plaintiff pro se COMBIER is named EXECUTRIX in the 1997 Last Will and Testament, beneficiary of the TASCHEREAU apartment, and has sole responsibility for burial of TASCHEREAU's remains.

THIRTEENTH: Subsequent to March 18, 1998, Julia Danger, sister of COMBIER, initiated proceedings in Surrogate's Court, New York County, to challenge the validity of the Last Will and Testament of TASCHEREAU, executed on November 21, 1997.

FOURTEENTH: If the Danger challenge were to succeed, then a previous will dated October 25, 1989 would be the valid Last Will and Testament of TASCHEREAU by

which her estate would be distributed. Under the terms of the will dated October 25, 1989, JOHN WEAVER, Music Director/Organist and MEMBER of SESSION, would be the Executor of the TASCHEREAU estate.

FIFTEENTH: Upon information and belief, defendants ANDERSON, AMSTEIN, and the SESSION, TRUSTEES, and DEACONS have the expectation of a substantial bequest from the TASCHEREAU estate if the Last Will and Testament dated October 25, 1989 be held as the valid Will. Julia Danger has a similar interest in the validity and implementation of TASCHEREAU's previous Will dated October 25, 1989, as Danger would benefit from the sale of the TASCHEREAU apartment, whereas she did not in the Last Will of TASCHEREAU dated November 21, 1997. The Defendants made COMBIER's restoration of her membership at MAPC conditional upon COMBIER ending her defense in the action brought by Danger in Surrogate's Court challenging the Last Will and Testament of TASCHEREAU.

SIXTEENTH: Upon information and belief, on or about August 1 1998 Defendants ANDERSON, AMSTEIN, FREY, SESSION, DEACONS, and TRUSTEES of MAPC began a campaign against COMBIER of slander, intimidation, character defamation, and infliction of intentional harm resulting in damage, without excuse or justification.

SEVENTEENTH: August 1, 1998, Defendant CHARLES AMSTEIN told Julia Danger's lawyer, who told the lawyer for Elizabeth COMBIER, that he, AMSTEIN had received the ashes of TASCHEREAU from the funeral director of MAPC and COMBIER would not get them for burial until Julia Danger told AMSTEIN that he could, indeed, give them to COMBIER. AMSTEIN knew that the ashes of TASCHEREAU had been mailed to COMBIER, who had been too distraught from the death of TASCHEREAU to keep them in her apartment. AMSTEIN intentionally and with malice defamed COMBIER's character to two people at this time.

EIGHTEENTH: Upon information and belief Defendants ANDERSON, AMSTEIN, and SESSION OF MAPC made outrageous slanderous statements regarding the relationship between COMBIER and her sister Jill Danger, and between COMBIER and her mother TASCHEREAU, and COMBIER's mental health and stability, defaming COMBIER's character, reputation, and ostracizing COMBIER among the parishioners of MAPC.

NINETEENTH: AMSTEIN's motives, to inflict emotional harm on COMBIER, are clear from a previous letter dated April 20 1998. In this letter AMSTEIN wrote to COMBIER that COMBIER had been thrown out of her church MAPC because she had made unreasonable financial demands upon her mother TASCHEREAU, COMBIER was in a legal dispute with her sister over the Last Will and Testament of TASCHEREAU, that he, AMSTEIN, and MAPC sided with Jill Danger, and unless COMBIER supplied the SESSION of MAPC with evidence that COMBIER had reconciled with her sister, COMBIER would not be given her membership back in MAPC nor would be voted in again as a Member of MAPC. AMSTEIN wrote this letter for ANDERSON and the SESSION. COMBIER mailed this letter to ANDERSON, Moderator of MAPC

SESSION, and every Member of SESSION individually, asking for respite from this intentional blackmail.

TWENTIETH: Upon information and belief ANDERSON, AMSTEIN, THE SESSION, THE TRUSTEES, THE DEACONS and THE PRESBYTERY OF NEW YORK CITY did nothing to give COMBIER respite from harrassment from AMSTEIN. the above named Defendants encouraged the infliction of emotional harm by throwing ELIZABETH COMBIER out of her church MAPC two weeks after the death of her mother in clear violation of THE BOOK OF ORDER, which codifies, among other things, the rules and regulations regarding membership in the Presbyterian Church. THE BOOK OF ORDER membership rules are listed in Section V G-5.0000 - G-5.0502.

TWENTY-FIRST: On or about January 14, 1999, at a meeting of THE PERMANENT JUDICIAL COMMISSION (PJC) OF THE PRESBYTERY OF NEW YORK CITY, ANDERSON told the people assembled to hear COMBIER's complaint against MAPC concerning the violation of rules of church governance as cited in the BOOK OF ORDER, and specifically taking her membership from her, that COMBIER had indeed written a letter to ANDERSON in which she, COMBIER, had stated her wish to give up her membership at MAPC. ANDERSON knew that such a letter had never been written. COMBIER's character was defamed in a legal setting in front of her peers and in front of the PJC OF THE PRESBYTERY OF NEW YORK CITY, the judicial body within corporate expression of the church consisting of all the churches and ministers of the Word and Sacrament within a certain district.

TWENTY-SECOND: On or about February 4, 1999, ANDERSON told an assembled group of people including COMBIER's Presbyterian lawyer for her complaint filed within the Presbytery, and 7 members of SESSION that unfortunately he had been mistaken, and COMBIER had never written nor had he, ANDERSON, received, a letter from COMBIER describing her desire to not be a member of MAPC. ANDERSON also called COMBIER "disruptive", and defamed her character further by saying to all present that COMBIER needed to apologize to the congregation of MAPC for her actions, and needed to be given sessions with a counselor to clear up her misguided thoughts and actions.

TWENTY-THIRD: Upon information and belief, defendants ANDERSON, AMSTEIN, THE SESSION, THE DEACONS, THE TRUSTEES, and THE PRESBYTERY OF NEW YORK CITY did intentionally agree to the systematic harrassment of COMBIER by writing a letter to COMBIER on March 12, 1999 in which ANDERSON wrote that unless COMBIER went to see the counselor appointed by him to clear up COMBIER's misunderstandings, COMBIER would not be voted back to the MEMBERSHIP of MAPC; furthermore, in this very same letter ANDERSON, representing in officio the officers of MAPC, wrote that COMBIER would not be given her membership unless her Presbyterian lawyer Michelle Lamar was fired.

TWENTY-FOURTH: COMBIER mailed copies of the March 12 1999 letter to THE SESSION and THE PJC OF THE PRESBYTERY OF NEW YORK CITY on or about

April 8 1999, which was the day she, COMBIER, received the letter dated March 12. The letter evidently had been lost in the mail without an envelope. THE PJC and the SESSION did not reply to her request to have the harassment and clear violation of the BOOK OF ORDER stop.

TWENTY-FIFTH: On or about APRIL 8, 1999, ANDERSON called COMBIER on the telephone in her home and left a message on the telephone answering machine for COMBIER to begin counseling immediately, and to call him, ANDERSON, with the date for the counselling to begin, and thus begin the compliance with the demand that COMBIER "get counselled" about her behavior. This telephone call was heard by COMBIER's 4 children, and from that time forward all 4 children have refused to attend church because they are afraid that ANDERSON is going to hurt their mother COMBIER. COMBIER was emotionally devastated by the telephone call because she, and ANDERSON, are very aware that there are many members of MAPC who have neither attended worship nor have given any money to MAPC in some cases for years and ANDERSON's actions' sole purpose was to intimidate and emotionally harm COMBIER.

TWENTY-SIXTH: On or about June 23, 1999 THE PJC gave their decision in the case brought before them of COMBIER vs MAPC that COMBIER must be restored to the Membership of MAPC effective immediately because **there was no cause for COMBIER to be removed in the first instance.** Thus the year of meetings had been without reason and could not be supported by the facts presented.

TWENTY-SEVENTH: On July 22, 1999, COMBIER accompanied Hiawatha Jefferson, an ex-employee of MAPC who, upon information and belief, had been unfairly fired from the Church, to a hearing concerning his unemployment, which MAPC was denying him. At the hearing and in front of the judge RICHARD FREY, when he saw COMBIER, told the judge that COMBIER was in litigation against MAPC and COMBIER should not be attending the meeting, or MAPC should not be in attendance. FREY knew very well that the case of COMBIER vs MAPC re COMBIER's membership had been settled a month earlier. FREY's actions in front of the judge was to harass and intimidate COMBIER, as well as defame her character.

TWENTY-EIGHTH: All of the above actions, including the removal from the membership of MAPC, and applying conditions to the restoration of COMBIER violate the rules of governance for PRESBYTERIAN CHURCHES as listed in THE BOOK OF ORDER, and have led the officers and parishioners of MAPC to believe that COMBIER was and is not a righteous member of the church community. Defendants ANDERSON, AMSTEIN, THE SESSION, THE DEACONS, THE TRUSTEES and THE PRESBYTERY OF NEW YORK CITY conspired to disobey and ignore the proper procedures and grounds set forth within the Presbyterian BOOK OF ORDER and thus frustrated the church's own judicial process.

TWENTY-NINTH: By these actions above, the Defendants knowingly committed outrageous acts and exhibited outrageous behavior against COMBIER which surpass the

standards of behavior in civil society and intentionally inflicted emotional harm upon the plaintiff. In consideration of their status as clergy and officials of the Presbyterian Church which sets its own high standards of behavior, the above actions of the Defendants against COMBIER are even more heinous.

THIRTIETH: That Defendants TRUSTEES and THE PRESBYTERY did not properly and vigorously supervise the actions of ANDERSON, AMSTEIN, SESSION, under their supervision, and in light of the obviously knowing and outrageous acts committed by defendants, defendants TRUSTEES and PRESBYTERY did themselves knowingly committed outrageous acts against COMBIER which surpass the standards of behavior in civil society and intentionally inflicted emotional harm upon plaintiff.

THIRTY-ONE: By reason of their above actions, defendants AMSTEIN, ANDERSON, and SESSION caused COMBIER great mental distress and anguish which led her to seek counselling at substantial personal expense.

THIRTY-TWO: By reason of their failure to properly supervise the actions of defendants ANDERSON, AMSTEIN, SESSION, the defendants TRUSTEES and PRESBYTERY caused COMBIER great mental distress and anguish which led her to seek counselling at substantial personal expense.

THIRTY-THREE: By reason of their above actions, defendants AMSTEIN, ANDERSON, SESSION caused COMBIER great mental distress and anguish which made her incapable of pursuing regular employment, resulting in a loss of income.

THIRTY-FOUR: By reason of their failure to properly supervise the actions of defendants AMSTEIN, ANDERSON, SESSION, the defendants TRUSTEES and PRESBYTERY caused COMBIER great mental distress and anguish which made her incapable of pursuing regular employment resulting in a loss of income.

THIRTY-FIVE: By reason of their above actions, AMSTEIN and ANDERSON and SESSION caused COMBIER great mental anguish which created irreparable strains upon COMBIER's marriage and family life.

THIRTY-SIX: By reason of their failure to properly supervise the actions of the defendants ANDERSON, AMSTEIN, and SESSION, the defendants TRUSTEES and PRESBYTERY caused COMBIER great mental distress and anguish which created irreparable strains upon COMBIER's marriage and family life.

THIRTY-SEVEN: By reason of their above actions, defendants AMSTEIN, ANDERSON, SESSION denied COMBIER the normal comfort and support COMBIER reasonably could have expected from membership at MAPC.

THIRTY-EIGHT: By reason of their failure to properly supervise the actions of defendants AMSTEIN, ANDERSON, SESSION, the defendants TRUSTEES and

PRESBYTERY denied COMBIER the normal comfort and support COMBIER reasonably could have expected as a member of MAPC.

THIRTY-NINE By reason of their above actions, defendants ANDERSON, AMSTEIN, and SESSION caused COMBIER to unnecessarily engage a Presbyterian attorney to pursue her complaint against MAPC as COMBIER sought to be returned to the active members' roll and to unnecessarily expend her own personal financial resources.

FORTY: By reason of their failure to properly supervise the actions of defendants AMSTEIN, ANDERSON, and SESSION, defendants TRUSTEES and PRESBYTERY caused COMBIER to unnecessarily engage a Presbyterian attorney to pursue her complaint against MAPC and unnecessarily spend her own financial resources.

FORTY-ONE: By reason of their failure to follow The Constitution of the Presbyterian Church, including but not limited to The Book of Order, in timely fashion and in justly processing and hearing her remedial complaint, the defendants TRUSTEES and PRESBYTERY caused COMBIER to unnecessarily engage a Presbyterian attorney to pursue her complaint against MAPC seeking to return to the MAPC membership roll and to unnecessarily expend her personal financial resources.

FORTY-TWO: By reason of their failure to follow The Constitution of The Presbyterian Church, including but not limited to The Book of Order, in timely fashion and in justly processing and hearing her remedial complaint, the defendants TRUSTEES and PRESBYTERY caused COMBIER and her family great mental distress and anguish, loss of income, and loss of personal financial resources.

FORTY-THREE: By reason of the above, including the ridicule, disgrace and prejudice and discrimination against the plaintiff; including the irreparable damage done to the social standing and good character of the plaintiff and her family, including the esteem and respect of members of the MAPC community, COMBIER seeks \$50,000 in compensatory damages.

FORTY-FOUR: By reason of the foregoing, plaintiff pro se COMBIER and her family have been greatly injured and damaged, and are to receive punitive damages against the defendants all in the sum of \$7,000,000.00 with \$1 million going to each of COMBIER's 4 children, \$1million going to her husband David Kapel, and \$2million going to COMBIER.

WHEREFORE: Plaintiff pro se COMBIER demands judgement against the defendants as stated herein, and for such other and further relief as to this Court may seem just and proper.

Dated: July 29, 1999

NEW YORK, NEW YORK