

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG

Index No.

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JANE DOE and JOHN DOE,

Plaintiffs,

-against-

ELMIRA COLLEGE, ELMIRA COLLEGE
BOARD OF TRUSTEES, SERGEI KRIVOKRASOV
and ANDREI KRIVOKRASOV,

Defendants.

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SUMMONS

Plaintiffs designate CHEMUNG
COUNTY as the place of trial.

The basis of venue is the county
in which a substantial part of
the events or omissions giving
rise to the claim occurred.

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Plaintiffs' attorneys an answer to the complaint in this action within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis for venue is CPLR 503(a), the county in which a substantial part of the events or omissions giving rise to the claim occurred.

Dated: November 21, 2023
New York, New York

The Law Firm of Andrew M. Stengel, P.C.
Attorneys for Plaintiffs



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VERIFIED COMPLAINT

Jury Trial Demanded

Plaintiffs Jane Doe and John Doe, by and through their attorneys, The Law Firm of Andrew M. Stengel, P.C., 11 Broadway, Suite 715, New York, New York, 10004, alleges upon knowledge with respect to themselves and upon information and belief as to all other matters as follows:

NATURE OF ACTION

1. In May 2000, Elmira College welcomed Sergei Krivokrasov, a professional hockey player in the National Hockey League, to the campus and allowed him to stay overnight in campus housing despite Sergei’s publicly known history of violently assaulting women.
2. Sergei’s history of violent assault included an incident in 1992 for which Sergei pleaded guilty and an incident in 1999 for which Sergei was arrested.
3. Sergei’s brother, Andrei Krivokraso, was a student at Elmira College and member of the Elmira College Hockey Team at all relevant times.
4. On or about June 1, 2000, Sergei and Andrei raped Plaintiff Jane Doe, an undergraduate student at Elmira College, during Sergei’s visit at a party attended by members of the Elmira Hockey Team.

5. Upon information and belief, Elmira College had actual or constructive notice that Elmira College students were regularly overserved alcohol at parties hosted by members of the Elmira Hockey Team.

6. The rape has and continues to cause Ms. Doe to suffer from severe emotional distress, post-traumatic stress disorder, complex post-traumatic stress disorder, anxiety, depression, sexual impairment, loss of enjoyment of life, and physical pain as a manifestation of her trauma and severe emotional distress, among other substantial injuries.

PARTIES, JURISDICTION AND VENUE

7. Plaintiff Jane Doe is a female United States citizen who resides outside of the State of New York, and was a student at Elmira College and living at Elmira College at all times relevant to this complaint.

8. Plaintiff John Doe is a male United States citizen who resides outside of the State of New York.

9. Jane Doe and John Doe are married.

10. Jane Doe and John Doe (collectively, "Plaintiffs") bring this action under pseudonyms because of the sensitive nature of the allegations of sexual assault and sexual abuse in this Verified Complaint, which are matters of the utmost intimacy.

11. Jane Doe and John Doe fear embarrassment and further psychological damage if Jane Doe's identity as a victim of sexual assault and sexual abuse were to become publicly known.

12. Defendant Elmira College was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York, and maintained and maintains its principal place of business in Chemung County at 1 Park Place, Elmira, New York 14901 at all relevant times.

13. Elmira College was a private college at all relevant times.

14. Defendant Elmira College Board of Trustees was and is the governing body of Elmira College by charter, by laws and related governing documents at all relevant times.

15. The Elmira College Board of Trustees maintained and maintains its principal place of business in Chemung County at 1 Park Place, Elmira, New York 14901 at all relevant times.

16. Elmira College and the Elmira College Board of Trustees (collectively, “Elmira College”) were and are empowered to oversee all faculty and senior administrative appointments, create departments, make rules, codes of conduct, policies and regulations that governed and govern the administration, faculty and students of Elmira College, at all relevant times.

17. Defendant Sergei Krivokrasov is a male who, upon information and belief, currently resides in the State of Florida.

18. Defendant Andrei Krivokrasov is a male who, upon information and belief, currently resides in the State of Colorado.

19. Andrei Krivokrasov was a student at Elmira College and a member of its male hockey team at all relevant times.

20. This Court has jurisdiction over the subject matter of this action and the parties pursuant to CPLR 301.

21. This Court has jurisdiction over this action because the amount of damages Plaintiffs seek exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

22. Venue is proper in Chemung County pursuant to CPLR 503 because a substantial portion of the events or omissions giving rise to the claim occurred within the county.

ADULT SURVIVORS ACT (ASA)

23. Each of Plaintiffs' causes of action is timely pursuant to New York's Adult Survivors Act (CPLR 214-j), which was enacted on May 24, 2022, and became effective six months later.

24. Plaintiffs Jane Doe and John Doe, who were at least 18 years old at all relevant times to this complaint, allege that Defendants committed intentional or negligent acts or omissions that resulted in Plaintiffs suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct that constitutes sexual offenses, as defined in Article 130 of the New York State Penal Law, committed against an adult 18 years of age or older.

25. This action is commenced within the time limits of CPLR 214-j.

26. All Plaintiffs' claims accrued in the State of New York pursuant to CPLR 215(5), as revived by CPLR 214-j.

NO APPORTIONMENT OF LIABILITY

27. Pursuant to CPLR 1603, the causes of action herein are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(5), 1602(7), and 1602(11), thus precluding Defendants from limiting his liability by apportioning some portion of liability to any joint tortfeasor.

JURY DEMAND

28. Plaintiffs demand a trial by jury on all issues so triable.

FACTUAL ALLEGATIONS

29. On or around May 31, 2000, Defendant Sergei Krivokrasov was professional hockey player signed to the Calgary Flames and had previously played for several teams in the

National Hockey League.

30. On or around June 1, 2000, Elmira College, its agents, and the coach of the men's hockey team had actual or constructive knowledge that Sergei was visiting the Elmira College campus and staying overnight on the Elmira College campus to see his brother, Andrei Krivokrasov.

31. On or around June 1, 2000, Elmira College, their agents, and the coach of the men's hockey team knew or should have known that Sergei had a history of violently assaulting women, including a 1992 assault to which he pleaded guilty and a 1999 assault for which he was arrested.

32. Sergei's presence on the Elmira College campus was a violation of the Elmira College Code of Conduct.

33. Sergei's presence posed a serious and foreseeable risk of harm to Elmira College's female student body.

34. On or around June 1, 2000, Jane Doe attended a party that was also attended members of the Elmira College male hockey team.

35. Upon information and belief, the party took place at Andrei's residence on the Elmira College campus.

36. Sergei attended the party.

37. During the party, Sergei and Andrei isolated Ms. Doe in a bedroom.

38. Sergei and Andrei refused to allow Ms. Doe to exit the bedroom.

39. Sergei and Andrei removed Ms. Doe's clothes and raped her.

40. Sergei and Andrei forced Ms. Doe to perform oral sex on them.

41. Ms. Doe did not consent to any sexual contact or intercourse with Sergei.

42. Ms. Doe did not consent to any sexual contact or intercourse with Andrei.

43. Sergei and Andrei's actions against Ms. Doe constitute crimes under Article 130

of the New York State Penal Law including:

- a. Rape in the First Degree, Penal Law § 130.35(1);
- b. Rape in the First Degree, Penal Law § 130.35(2);
- c. Rape in the Third Degree, Penal Law § 130.25(3);
- d. Sexual Abuse in the First Degree, Penal Law § 130.65(1);
- e. Sexual Abuse in the First Degree, Penal Law § 130.65(2);
- f. Sexual Abuse in the Third Degree, Penal Law § 130.55;
- g. Criminal Sexual Act in the First Degree, Penal Law § 130.50(1);
- h. Criminal Sexual Act in the First Degree, Penal Law § 130.50(2);
- i. Forcible Touching, Penal Law § 130.52(1); and
- j. Attempts to commit the foregoing, all against Ms. Doe.

44. As a result of the sexual assaults, Ms. Doe has suffered and continues to suffer from severe emotional distress including post-traumatic stress disorder, complex post-traumatic stress disorder, anxiety, depression, sexual dysfunction, and physical pain as a manifestation of her trauma and severe emotional distress, among other injuries.

FIRST CAUSE OF ACTION

Battery, Intentional Violations of Article 130 of the New York State Penal Law
(As against Defendants Sergei Krivokrasov and Andrei Krivokrasov)

45. Plaintiffs repeat, reiterate and reallege each and every allegation contained in preceding paragraphs inclusive with the same force and effect as though herein set forth at length.

46. Defendants Sergei Krivokrasov and Andrei Krivokrasov's heinous acts against

Plaintiff Jane Doe constitute crimes under Article 130 of the New York State Penal Law.

47. Sergei and Andrei committed the crime of Rape in the First Degree, in violation of Penal Law § 130.35(1), against Ms. Doe.

48. Sergei and Andrei engaged in sexual intercourse with Ms. Doe by forcible compulsion.

49. Sergei and Andrei committed the crime of Rape in the First Degree, in violation of Penal Law § 130.35(2), against Ms. Doe.

50. Sergei and Andrei engaged in sexual intercourse with Ms. Doe who was incapable of consent by reason of being physically helpless.

51. Sergei and Andrei committed the crime of Rape in the Third Degree, in violation of Penal Law § 130.25(3), against Ms. Doe.

52. Sergei and Andrei engaged in sexual intercourse with Ms. Doe without her consent.

53. Sergei and Andrei committed the crime of Sexual Abuse in the First Degree, in violation of Penal Law § 130.65(1), against Ms. Doe.

54. Sergei and Andrei subjected Ms. Doe to sexual contact by forcible compulsion.

55. Sergei and Andrei committed the crime of Sexual Abuse in the First Degree, in violation of Penal Law § 130.65(2), against Ms. Doe.

56. Sergei and Andrei subjected Ms. Doe to sexual contact when Ms. Doe was incapable of consent by reason of being physically helpless.

57. Sergei and Andrei committed the crime of Sexual Abuse in the Third Degree, in violation of Penal Law § 130.55, against Ms. Doe.

58. Sergei and Andrei subjected Ms. Doe to sexual contact without Ms. Doe's consent.

59. Sergei and Andrei committed the crime of Criminal Sexual Act in the First Degree, Penal Law § 130.50(1), against Ms. Doe.

60. Sergei and Andrei engaged in oral sexual contact with Ms. Doe by forcible compulsion.

61. Sergei and Andrei committed the crime of Criminal Sexual Act in the First Degree, Penal Law § 130.50(2), against Ms. Doe.

62. Sergei and Andrei engaged in oral sexual contact with Ms. Doe who was incapable of consent by reason of being physically helpless.

63. Sergei and Andrei committed the crime of Forcible Touching, in violation of Penal Law § 130.52(1), against Ms. Doe.

64. Sergei and Andrei forcibly touched the sexual or other intimate parts of Ms. Doe for the purpose of degrading or abusing her, or for the purpose of gratifying their own sexual desire.

65. As a direct result of the foregoing, Ms. Doe sustained physical, emotional, and psychological injuries, along with pain and suffering.

66. By reason of the foregoing, Defendants are liable to Ms. Doe for compensatory damages and punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION

Intentional Infliction of Emotional Distress
(As against Defendants Sergei Krivokrasov and Andrei Krivokrasov)

67. Plaintiffs repeat and reallege each and every allegation set forth above as if fully set forth herein.

68. Defendants Sergei Krivokrasov and Andrei Krivokrasov intended to cause or disregarded a substantial probability of causing severe emotional distress to Jane Doe.

69. Sergei and Andrei's acts were extreme and outrageous.

70. As a direct and proximate cause of Defendants' conduct, Ms. Doe suffered and continues to suffer severe emotional distress and mental anguish.

71. By reason of the foregoing, Defendants are liable to Ms. Doe for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Negligence

(As against Defendants Elmira College and
Elmira College Board of Trustees)

72. Plaintiffs repeat and reallege each and every allegation set forth above as if fully set forth herein.

73. Defendant Elmira College had a duty to meet a minimum standard of care, specifically to refrain from allowing men it knew to be dangerous to women onto or to sleep overnight on its campus.

74. By allowing Sergei onto campus when Defendants knew or should have known he was likely to cause bodily harm to its female students if not controlled, Defendants were under a duty of reasonable care to control Sergei and prevent him from doing such harm.

75. Elmira College had a duty to protect female Elmira College students from foreseeable harm caused by criminal conduct of others while they are on campus.

76. Elmira College exercised substantial control over who it allowed onto campus and who it allowed to stay in campus housing.

77. Elmira College exercised substantial control over party on or about June 1, 2000, which took place on the Elmira College campus.

78. Elmira College was in the best position to protect against the risk of harm, a far

better position than Ms. Doe.

79. Elmira College students, including Jane Doe, had a reasonable expectation that individuals with a known history of violent and criminal sexual acts would not be allowed on campus.

80. Elmira College students, including Jane Doe, had a reasonable expectation that Elmira College would maintain a healthy and safe learning and living environment for its students.

81. Elmira College students, including Jane Doe, had a reasonable expectation that Elmira College would not support or tolerate groups known to overserve its students.

82. Had Defendants informed Ms. Doe of Sergei's violent tendencies, she could have taken preventative measures, such as not attending a party where he would likely be, for example.

83. Elmira College breached its duty of care to Ms. Doe by inviting a known sexual predator onto the campus, by allowing a sexual predator to stay overnight in campus housing, and by allowing groups or individuals known to overserve Elmira College students to continue to do so without any additional supervision or other remedial measures.

84. As a direct and proximate result of Elmira College's acts and omissions, Jane Doe was raped and sustained and will continue to sustain damages.

85. The rape of Jane Doe by Sergei and Andrei was the culmination of an escalating situation and escalating risk that could have been prevented had Elmira College provided adequate supervision over the party.

86. As a direct result of the foregoing, Ms. Doe was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Elmira College without any negligence on the part of Plaintiffs contributing thereto.

87. By reason of the foregoing, Elmira College is liable to Ms. Doe for compensatory

damages and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Gross Negligence

(As against Defendants Elmira College)

88. Plaintiffs repeat and realleges each and every allegation set forth above as if fully set forth herein.

89. Elmira College failed to exercise even slight care for Ms. Doe's rights, wellbeing and safety.

90. Elmira College's conduct described herein demonstrated their willful and wanton disregard for Ms. Doe's rights, wellbeing and safety.

91. Elmira College's conduct described herein demonstrated Elmira College's reckless disregard for Ms. Doe's rights, wellbeing and safety, at best.

92. Elmira College's conduct smacks of intentional wrongdoing.

93. Ms. Doe sustained and will continue to sustain damages as a direct and proximate result of Elmira College's acts and omissions.

94. As a direct result of the foregoing, Ms. Doe was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Elmira College without any negligence on the part of Plaintiffs contributing thereto.

95. By reason of the foregoing, Elmira College is liable to Ms. Doe for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

(As against Defendants Elmira College and
the Elmira College Board of Trustees)

96. Plaintiffs repeat and reallege each and every allegation set forth above as if fully set

forth herein.

97. Defendant Elmira College had a duty to meet a minimum standard of care, specifically to refrain from enabling the sexual assault of Ms. Doe.

98. Elmira College had a duty to provide Ms. Doe with a safe and secure environment.

99. Elmira College breached its duty of care to Ms. Doe.

100. Elmira College's breach unreasonably endangered Ms. Doe's physical safety and caused her to fear for her own safety.

101. Elmira College's acts and omissions were extreme and outrageous.

102. Elmira College endangered Ms. Doe's safety and well-being and caused her to suffer, *inter alia*, fear, anxiety, shame, humiliation and physical and emotional pain.

103. As a direct and proximate cause of Elmira College's conduct, Ms. Doe suffered severe emotional distress including but not limited to physical, mental and emotional distress.

104. By reason of the foregoing, Elmira College is liable to Plaintiff Ms. Doe for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Loss of Consortium
(As against all Defendants)

105. Plaintiffs repeat and reallege each and every allegation set forth above as if fully set forth herein.

106. Defendants Sergei Krivokrasov's and Andrei Krivokrasov's rape of Ms. Doe and her ensuing trauma have impaired Ms. Doe's ability provide Mr. Doe with love, companionship, affection, society, solace, and other vital aspects of the connection between spouses.

107. Sergei and Andrei's rape of Ms. Doe and her ensuing trauma have impaired Ms. Doe's ability to engage in sexual relations with Mr. Doe.

108. Sergei and Andrei's rape of Ms. Doe and her ensuing trauma have impaired Ms. Doe ability to provide services for Mr. Doe.

109. By reason of the foregoing, Defendants are liable to Mr. Doe for compensatory damages and for punitive damages, together with interest and costs.

DAMAGES DEMAND

WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages, plus punitive damages, interest, costs, disbursements, and attorneys' fees together with such other and further relief as the Court deems just and proper.

Dated: November 21, 2023
New York, New York

Respectfully submitted,



By: Katherine E. Mayo
Attorneys for Plaintiffs

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SUMMONS AND VERIFIED COMPLAINT

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Pursuant to 22 NYCRR 130-1.1, the undersigned, attorneys admitted to practice in the courts of New York State, certify that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: November 21, 2023



Katherine E. Mayo

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