

From Testimony

Complaint of Kathy Abraham against Lewis Eisenberg and from the NYPD administrative hearing

Kathy Abraham's complainant against Lew Eisenberg and Goldman Sachs became Defendant against Gary Moskowitz as complainant after she quietly settled her case and signed a statement recanting her complaint against Lewis Eisenberg.

GM statement:

Kathy Abraham approached plaintiff Gary Moskowitz in plaintiff's personal and professional capacity in June of 1989 to help her in her desperate situation which she was seeking to extricate herself from.

Kathy Abraham told plaintiff that she began performing sexual favors for her supervisor Lewis Eisenberg. She claimed she tried repeatedly to end this abusive behavior but Eisenberg insisted she continue. Defendant continued telling plaintiff a vivid account of how Eisenberg enjoyed berating, humiliating, degrading, demeaning and abusing her. This included:

- a. Making obscene phone calls (calling her at home and at work),
- b. Calling her into his office while he masturbated in front of her.
- c. Touching her private parts against her will,
- d. Attempting to prostitute her out to his firm's business clients and partners where he (Eisenberg) actually offered defendant money and bonuses from the firm if defendant would keep dates to perform deviant sexual acts which he told her would help him professionally,
- e. Physically threatening defendant where on one particular occasion he sexually assaulted her and attempted to rape her in her own home to punish her for his contracting venereal disease,
- f. Threatening to interfere with her custodial role of her then nine year old child where he threaten to have her child taken away from her if she continued to refuse him and others sexually. (As a direct result the threat was carried out and the child is now living with her father)
- g. Threatening plaintiff where Eisenberg would use his political influence to cause plaintiff to lose his job.

Kathy Abraham filed criminal charges against Lewis Eisenberg for the above mentioned conduct which violated many provisions of the penal law. Additionally she sought and received an order of protection barring Eisenberg to stay away from her. Also Kathy Abraham informed Mr. Bob Rubin, then the senior partner on the management committee now the co-head of the firm (and a number of senior partners of Goldman Sachs) of the above allegations. A short time thereafter, Kathy Abraham sought legal representation to address the issues and seek relief from the Courts. In October of 1989 defendant commenced a civil action against Lewis Eisenberg and her former employ Goldman Sachs and Co. Index # 24321/89 in the New York State Supreme Court County Of New York charging as her first cause:

Taken from Complaint of Kathy Abraham against Lewis Eisenberg and Goldman Sachs

A. SEXUAL HARASSMENT, where defendant signs a sworn verification and affidavit stating that;

"FOR SOME YEARS HERETOFORE THE DEFENDANT, LEWIS EISENBERG, IN THE COURSE OF HIS EMPLOYMENT FOR DEFENDANT, GOLDMAN SACHS AND CO. AND OTHERWISE DID, TAKING ADVANTAGE OF HIS POSITION OF AUTHORITY AS HER SUPERVISOR, SEXUALLY HARASS PLAINTIFF, KATHY ABRAHAM, USING THE PRESSURE OF THE NEED FOR HER EMPLOYMENT BY GOLDMAN SACH AND CO. AS ONE OF THE MEANS FOR CAUSING HER TO SUFFER THE SAME."

KATHY ABRAHAM, BEING DULY SWORN, DEPOSES AND SAYS:

- 1. I AM THE PLAINTIFF IN THE ABOVE-NAMED ACTION. I AM MAKING THIS AFFIDAVIT IN OPPOSITION TO THE "PREMATURE" MOTION BY GOLDMAN SACHS AND CO. FOR SUMMARY JUDGMENT. THE MOTION FOR SUMMARY JUDGMENT IS PREMATURE BECAUSE THERE HAS BEEN NO DISCOVERY WHATSOEVER IN THIS CASE WHETHER BY BILL OF PARTICULARS OR OTHERWISE.**
- 2. I AM TOTALLY OUTRAGED BY THE STATEMENT OF DEFENDANT, GOLDMAN SACHS THAT THEY HAVE, OR EVER HAD, THE SLIGHTEST CONCERN FOR MY "PERSONAL DIGNITY AND INDIVIDUAL WORTH" (MEM. OF LAW P.13). GOLDMAN SACHS KNEW OF LEWIS EISENBERG'S SEXUAL HARASSMENT, CONDONED, AND EVEN ACTIVELY PARTICIPATED IN THE SAME (COMPLAINT. PARA. 5).**
- 3. I AM APPALLED AT STANLY ARKIN'S DESCRIPTION OF DEFENDANT' SEXUAL HARASSMENT AS BEING "WARM, FRIENDLY, DISCRETE AND ENTIRELY CONSENSUAL." (ARKIN AFF'T, PARA. 2). I APPRECIATE THAT AN ATTORNEY SWEARS TO TO THE TRUTH OF A STATEMENT ON**

INSTRUCTIONS, BUT DEFENDANTS' ATTORNEYS ARE FULLY AWARE OF THE SPECIFIC DETAILS OF MY CONTINUING HUMILIATION AT GOLDMAN SACHS.

- 4. THE SEXUAL HARASSMENT DESCRIBED IN MY COMPLAINT AROSE OUT OF A SEVEN YEAR SEXUAL RELATIONSHIP WITH MY FORMER EMPLOYER, DEFENDANT LEWIS EISENBERG. FOR THE LAST TWO YEARS HE HAS MANIPULATED MY WORK ENVIRONMENT WITH THE CALCULATED INTENTION OF OBTAINING SEXUAL FAVORS FROM ME.**

5. THERE IS ONE SPECIFIC INCIDENT WHICH IS AN EXAMPLE ONLY, BUT IMPORTANT TO AN UNDERSTANDING OF EISENBERG'S SEXUAL MANIPULATION. ON OR ABOUT SEPTEMBER 12, 1987, I WAS ALONE AT MY HOME AT 147-22 68TH AVENUE, FLUSHING, KEW GARDENS HILLS, NEW YORK 11367. AT APPROXIMATELY 10:30 AM, EISENBERG ARRIVED UNINVITED AT MY HOME AND PUSHED HIS WAY INTO MY BEDROOM. HE SCREAMED AT ME HYSTERICALLY THAT HE HAD A VENEREAL DISEASE AND STATED: "YOU SHOULD GET THIS!" THEREUPON, HE GRABBED MY HAIR, PUSHED ME DOWN ON TO MY KNEES, AND LOWERED HIS PANTS AND YELLED: "PUT ME IN YOUR MOUTH". I FOUGHT WITH HIM AND, FORTUNATELY HIS PENIS WHICH WAS VISIBLY INFECTED WITH WARTS DID NOT MAKE CONTACT WITH MY MOUTH.

- 6. I WAS TOTALLY REPULSED BY THIS INCIDENT. I MADE IT CLEAR TO HIM THAT ANY CONDUCT OF A SEXUAL NATURE FROM HIM WAS MOST "UNWELCOME". FROM THAT TIME ON, HIS SEXUAL ADVANCES WERE SICKENING AND ABSOLUTELY LACKING IN ANY DECENCY. HE TOOK EVERY POSSIBLE OPPORTUNITY TO HUMILIATE ME IN THE OFFICE BY PUBLICLY TOUCHING MY BREAST AND PELVIC AREA AND KEEPING ME IN HIS OFFICE WITH THE DOOR CLOSED FOR THREE OR FOUR HOURS AT A TIME. IT WAS COMMON GOSSIP IN THE INSTITUTIONAL SALES DEPARTMENT IN WHICH WE BOTH WORKED THAT I COULD NOT BE PERFORMING PURELY SECRETARIAL DUTIES. MEMBERS OF OUR DEPARTMENT JOKED THAT I WAS IN "LEW'S PROTECTION", THAT I WAS "EASY BAIT" AND THAT I WAS "AVAILABLE".**

7. THE PERIOD, JUNE 1989 TO AUGUST 1989, RAISED BY DEFENDANTS (COHEN AFF'T., PARA. 4) IS A STRIKING EXAMPLE OF EISENBERG'S SEXUAL ABUSE OF HIS MANAGERIAL POWER OVER ME.
8. IN OR ABOUT JUNE 1989, I PLEADED WITH EISENBERG TO TRANSFER ME OUT OF HIS INSTITUTIONAL SALES DEPARTMENT. THIS WAS NOT MY FIRST REQUEST AND I WAS SURPRISED WHEN EISENBERG APPEARED TO ACQUIESCE IN MY REQUEST. ON JULY 24 1989, I FOUND A REPLACEMENT PERSON AT MY DESK. I WAS INFORMED THAT I WAS STILL THE SENIOR ADMINISTRATIVE ASSISTANT IN INSTITUTIONAL SALES BUT IN REALITY, THIS WAS A HOLLOW TITLE BECAUSE I HAD BEEN STRIPPED OF ALL RESPONSIBILITY. I WAS LEFT AT A DESK ALL DAY WITHOUT ANY REAL WORK WHATSOEVER. THIS "PARALYZING BIND" CONTINUED UNTIL AUGUST 21, 1989, SIX DAYS AFTER I SERVED A SEXUAL HARASSMENT COMPLAINT AGAINST EISENBERG. (COHEN AFF'T., EXH. C). THEREAFTER, I WAS TRANSFERRED TO ANOTHER DEPARTMENT UNTIL MY EMPLOYMENT WAS TERMINATED ON OCTOBER 31, 1989.
9. THROUGHOUT THIS SIX WEEK PERIOD PRIOR TO MY TRANSFER, EISENBERG FLOUTED HIS POWER IN THE OFFICE BY OPENLY TOUCHING PRIVATE PARTS OF MY BODY WITHOUT MY CONSENT. HE MADE IT VERY CLEAR THAT IF I SUBMITTED TO HIS SEXUAL ADVANCES OR PERFORMED SEXUAL FAVORS FOR HIM I WOULD BE REINSTATED TO MY FORMER POSITION.
10. IT IS TOTALLY OUTRAGEOUS FOR GOLDMAN SACH TO ALLEGE THAT THEY WERE UNAWARE OF EISENBERG'S SEXUAL HARASSMENT. THERE WERE TWO PARTNERS, IN PARTICULAR, WHO WERE INTIMATELY AWARE AND ACTIVELY INVOLVED IN THE DEMEANING SITUATION REFERRED TO ABOVE.
11. ONE PARTNER OF GOLDMAN SACHS, GENE MERCY WAS SEXUALLY INVOLVED WITH A PROSTITUTE "LAUREN" AND AS SUCH I WAS OFFERED BY EISENBERG TO HIS PARTNER TO PARTICIPATE IN A SEXUAL ENCOUNTER WITH GENE MERCY AND HIS PROSTITUTE FRIEND. I EXPRESSED MY REVULSION OF HIS HUMILIATING SITUATION TO THE CHAGRIN OF EISENBERG AND HIS PARTNER.
12. ON A SECOND OCCASION I WAS OFFERED BY DEFENDANT EISENBERG TO A PARTNER OF GOLDMAN SACHS BOB O'HARA. HE HAD EXPRESSED AN INTEREST IN ME SEXUALLY AND EISENBERG INDICATED THAT IF I SUCCUMBED TO HIS SEXUAL ADVANCES, I WOULD RECEIVE A HANDSOME CHRISTMAS BONUS FROM GOLDMAN SACHS. AGAIN I REFUSED TO BE INVOLVED IN THIS SEXUAL GAMESMANSHIP AND THEREUPON EISENBERG VOICED HIS OPINION THAT HE WAS DISAPPOINTED WITH MY "JOB PERFORMANCE".
13. ON SEPTEMBER 26, 1989 I MET WITH MR. COHEN AND MR. CANNON. THERE IS OBVIOUSLY A DISPUTE AS TO WHAT WAS SAID AT THAT MEETING (COHEN AFF'T., PARA. 11). I MADE IT VERY CLEAR TO EVERYONE AT THAT MEETING THE NATURE OF THE SEXUAL HARASSMENT INFLICTED UPON ME.

IN THE PRELIMINARY FACTUAL STATEMENT THE ATTORNEYS FOR KATHY ABRAHAM STATE:

UNFORTUNATELY, THIS IS THE MOST BLATANT FORM OF SEXUAL HARASSMENT LIKELY EVER TO COME BEFORE THIS COURT. THE HUMILIATION SUFFERED BY KATHY ABRAHAM ("KATHY") AS SHE ACCEDDED TO THE INCREASINGLY PERVERSE SEXUAL DEMANDS OF DEFENDANT,

LEWIS EISENBERG, HER FORMER EMPLOYER, ARE AN INDICTMENT OF MANIPULATION AND SEXUAL ABUSE. IT MAY COME AS NO SURPRISE TO THIS COURT THAT FOLLOWING INVESTIGATION OF THIS MATTER, LEWIS EISENBERG IS NO LONGER ASSOCIATED WITH GOLDMAN SACHS.

IT IS AXIOMATIC THAT AN EMPLOYEE WHO ENGAGES IN SEXUAL CONTACT WITH HER IMMEDIATE SUPERIOR IS MOST VULNERABLE TO AN ABUSE OF MANAGERIAL AUTHORITY WHEN A CONTINUANCE OF THAT SEXUAL CONDUCT IS "UNWELCOME". THE WORK ENVIRONMENT CAN BECOME A FORUM FOR MANIPULATION AND HUMILIATION WHEN A SUPERIOR HAS THE CALCULATED INTENTION OF FORCING AN EMPLOYEE TO ACCEDE TO SEXUAL DEMANDS. (ABRAHAM AFF'T., PARA. 4). RUDOW V. N.Y. CITY COM'N ON HUMAN RIGHTS, 474 N.Y.S. 2D 1005, 1011 (N.Y. CO., 1984) "SEXUAL HARASSMENT, WHICH INJECTS THE MOST DEMEANING SEXUAL STEREOTYPES INTO THE GENERAL WORK ENVIRONMENT AND WHICH ALWAYS REPRESENTS AN INTENTIONAL ASSAULT ON AN INDIVIDUAL'S "INNERMOST PRIVACY".

THE HUMILIATION DETAILED IN THE ABRAHAM AFFIDAVIT IS HORRIFYING AND REPULSIVE IN ITS DETAIL. IT IS THE PORTRAYAL OF A WOMAN WHOSE SPIRIT WAS BROKEN BY THE DEPRAVATION DEMANDED OF HER BY HER DEVIOUS EMPLOYER. TO TAKE THAT HUMILIATION INTO THE PUBLIC DOMAIN AS THREATENED BY DEFENDANTS EXACERBATES THE EMOTIONAL TRAUMA INVOLVED IN THIS LOSS OF DIGNITY AND SELF-RESPECT. (ABRAHAM AFF'T., PARA. 6 AND 9) RUDOW (SUPRA) AT 1011, SEXUAL HARASSMENT "DESTROYS COMPLETELY EMOTIONAL AND PSYCHOLOGICAL STABILITY".

B. INVASION OF PRIVACY, AS DEFENDANT'S SECOND CAUSE WHERE SHE SIGNS A SWORN VERIFICATION STATING, "ONE OR ANOTHER OF SAID DEFENDANTS HIRED AN INVESTIGATING AGENCY TO UNCOVER EMBARRASSING INFORMATION ABOUT KATHY ABRAHAM, WHICH THEN ON THEIR BEHALF INVADED THE PRIVACY OF THE PLAINTIFF BY SUCH ACTIVITIES.

DEFENDANT, LEWIS EISENBERG, INVADED KATHY'S RIGHT OF PRIVACY BY MALICIOUSLY INVESTIGATING HER PRIVATE LIFE FOR THE PURPOSE OF OBTAINING INFORMATION TO USE AS A LEVER IN FORCING KATHY TO ABANDON HER RIGHTS AGAINST THE SAME."

C. CUSTODIAL INTERFERENCE, AS DEFENDANT'S THIRD CAUSE WHERE SHE SIGNS A SWORN VERIFICATION THAT, "DURING THE COURSE OF THE DEFENDANT, LEWIS EISENBERG'S, PARTNERSHIP IN GOLDMAN SACHS, AND OTHERWISE, HAS INTERFERED WITH HER STATUS AS A PROPER MOTHER FOR HER CHILD WITH HIS CONDUCT ACTING AS A THREAT TO HER RIGHT TO THE CUSTODY OF SAID CHILD AND DID INTERFERE IN THE RELATIONSHIP OF HER FORMER HUSBAND AND HERSELF AND THE SUBJECT OF HER RIGHT TO THE CUSTODY OF THE SAID CHILD CONSTANTLY CREATING A CONDITION OF THREAT TO THE SAID RIGHT OF CUSTODY AND IN CONNECTION THEREWITH THREATENING TO DISCLOSE AND PUBLICIZE THE SEXUAL CONDUCT OF KATHY HAD BY HER AS ALLEGED HEREIN ABOVE WITH SEXUAL CONDUCT TO WHICH SHE WAS SUBJECTED BY LEWIS EISENBERG.

DEFENDANTS THREAT TO PUBLICIZE EMBARRASSING INFORMATION TO DEFEAT MOTHER'S CUSTODY RIGHTS IS AN INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS. DEFENDANTS HAVE BLATANTLY ATTEMPTED TO BLACKMAIL KATHY TO ABANDON HER RIGHTS IN THIS LAWSUIT. THEY HAVE STOOPED SO LOW AS TO THREATEN TO DISCLOSE AND PUBLICIZE THE SEXUAL CONDUCT OF KATHY, WHICH CONDUCT THEY BELIEVE WILL AFFECT HER CUSTODIAL RIGHTS TO HER 11 YEAR OLD DAUGHTER. THE EMOTIONAL AND MENTAL ANGUISH OF THIS THREAT IS SELF-EVIDENT. TO INTERFERE WITH A MOTHER'S CUSTODIAL RIGHTS IN THIS WAY IS CERTAINLY "ATROCIOUS", "UTTERLY INTOLERABLE" AND "BEYOND ALL POSSIBLE BOUNDS OF DECENCY". MURPHY V. AMERICAN HOME PRODUCTS CORP., N.Y. 2D 293 (1983).

D. AGGRAVATED HARASSMENT, AS DEFENDANT'S FOURTH CAUSE WHERE SHE SIGNS A SWORN VERIFICATION THAT STATES, "KATHY HAS ALSO BEEN FURTHER HARASSED BY TELEPHONE CALLS MADE TO HER BY DEFENDANT, LEWIS EISENBERG, AT THE VARIOUS HOURS OF THE DAY OR NIGHT AT WHICH TIME KATHY HAPPENED TO BE HOME."

WHEREFORE, PLAINTIFF DEMANDS JUDGEMENT AGAINST DEFENDANTS AS FOLLOWS: FIRST CAUSE - ONE MILLION DOLLARS, SECOND CAUSE - FOUR MILLION DOLLARS, THIRD CAUSE - ONE MILLION DOLLARS, FOURTH CAUSE - ONE MILLION DOLLARS AND

WHEREAS THE DEFENDANTS BY REASON OF THE FOREGOING WITH KNOWLEDGE, AND OTHERWISE, DID INDULGE IN THE FOREGOING MALICIOUS CONDUCT, EXHIBITING THEREBY A WANTON AND WILLFUL DISREGARD OF PLAINTIFF'S RIGHTS PLAINTIFF IS ENTITLED TO ONE HUNDRED MILLION DOLLARS IN PUNITIVE DAMAGES THE TOTAL AMOUNT OF DAMAGES BEING ONE-HUNDRED AND SEVEN MILLION DOLLARS TOGETHER WITH INTEREST, COST AND DISBURSEMENTS OF THIS ACTION."

DEFENDANT'S ATTORNEY AT THE TIME WAS HARRY LIPSIG AND THE DEFENDANT'S COMPLAINT AGAINST GOLDMAN SACHS AND LEWIS EISENBERG WAS DATED OCTOBER 31, 1989.

7. Upon information and belief plaintiff informed his superiors in the New York City Police Department. Plaintiff informed his immediate superiors at the Mid-town North Precinct and informed the ORGANIZED CRIME CONTROL BUREAU (OCCB) PUBLIC MORALS DIVISION of what defendant had alleged to plaintiff regarding prostitution and other charges relating to narcotics sales at Goldman Sachs and violations of the Security Exchange Commission which Lewis Eisenberg and other partners at the firm were allegedly involved with.

Lewis Eisenberg found out about the possible investigation into him and his firm and threatened defendant Kathy Abraham if he got into trouble that he would claim plaintiff Gary Moskowitz and defendant Kathy Abraham attempted to extort money from him which is a lie. Eisenberg called plaintiff on the telephone a couple of times. Plaintiff confronted Eisenberg with this knowledge and plaintiff stated he would go directly to the New York City Police Internal Affairs Unit and tell them of Eisenberg's false threats. Eisenberg immediately admitted to his "lie" of telling defendant Kathy Abraham that he would fabricate charges against plaintiff and he apologized to both Plaintiff and Defendant. There is a phone record and transcript of this conversation.

8. Upon information and belief plaintiff was made aware suddenly that he was being investigated by his Internal Affairs Unit. After a Wall Street Publication wrote the initial story on this matter (where plaintiff did not comment on and where Eisenberg commented on heavily), plaintiff was brought up on a series of patrol violations by the NYC police dept. which were minor infractions of the NYC patrol guide which were selectively enforce against plaintiff. This is a common tactic that the NYC Police dept. uses against its officers when they want to silence them or when they need to suppress an investigation that the officer was working on. Additionally, plaintiff was later administratively charged with filing a false report with the Organized Crime Control Bureau Unit regarding prostitution, harassing Lewis Eisenberg by attempting to get him to confer a benefit to defendant Kathy Abraham and by attempting to extort money from him by threatening him to reveal his and defendant Kathy Abraham's sexual relationship. Plaintiff was innocent on all charges as this became

a spectacle in the New York City Police Department because it was common knowledge if the police department had believed any of these charges they would have charged plaintiff criminally and not administratively.

9. Upon information and belief defendant Kathy Abraham first made known her criminal and civil problems she was having with her supervisor Lewis Eisenberg and his firm to plaintiff in June of 1989. Plaintiff was then requested by defendant's attorneys to expect to testify if her case (Kathy Abraham) goes to trial.

10. Upon information and belief in October 1990 plaintiff was suspiciously offered a chance to plea bargain by the New York City Police Department of Advocate's Office (Their administrative prosecution arm AKA controlling political damage) and keep his job by saying that plaintiff erred in his report about the possible prostitution at Goldman Sachs and to admit that plaintiff harassed Eisenberg. Plaintiff refused to state or admit to anything which wasn't true. The administrative hearing commenced and lasted over 14 days perhaps the longest in the history of the NYC Police Department. At this administrative hearing defendant Kathy Abraham testified on behalf of plaintiff testifying under oath to the following excerpts: The Witness, being defendant Kathy Abraham.

Witness: "He (Eisenberg) kept saying things would get difficult if I won't see him (outside the office). "I didn't invite his phone calls". "He used to get off by talking to me on the phone." "Mr. Eisenberg was extremely possessive over me. He was asking me where I was, where I was going, he used to call me up at home and to make sure I went straight after work. He would sit in front of my house to make sure I was there. He knew exactly where I was, exactly where my car was parked. He knew exactly what I doing and when."

"He (Eisenberg) had a venereal disease." "He was acting like a wild-man, yelling. He kept me in his office all day long practically telling me things, accusing me of cheating on him." "He came to my home uninvited".

H.O. = Hearing Officer

Question by the Hearing Officer (H.O.): Did anybody ever ask you to do so? (to have a sexual relationship with anybody else at the firm besides Lewis Eisenberg)

Witness: Yes.

H.O. - Who did that?

Witness: Mr. Eisenberg, it was continually asked of me.

H.O. -What were the arrangements that were proposed to you? (by Eisenberg)

Witness: He wanted me to have sex with other partners at Goldman Sachs. Things would be better for me at my job.

H.O. - Did you ever ask him what he meant by that?

Witness: He told me it would be more money for me. I would get more bonus, more cash, more whatever else he would give me.

H.O. - Did Lewis Eisenberg make any references to Gary Moskowitz' job when he spoke with you.

Witness: Yes he did

H.O. - What did he say?

Witness: He said that cops, especially Gary could get into a lot of trouble on his job. He could see to it that Gary could get into a lot of trouble on his job.

H.O. - Did he (Eisenberg) mention to you what this apartment was to be used for?

Witness: First the apartment was supposed to be a place for us to meet because I was crying and I said I didn't like meeting him in hotels. Then he wanted the apartment to be used for a meeting of other people, to make parties and to have his friends, his partners come in and have sexual parties, sexual encounters.

Witness: I told him I didn't want him to come over. I didn't like it that he came to Queens, that I didn't want him coming into my neighborhood for people to see him there.

Witness: You (Gary Moskowitz) asked me why I was so nervous, what is going on, who was the person here, why am I so afraid, and I was still afraid to tell you and that I told you I couldn't tell you about it. I had a lot of problems, major problems and I couldn't tell, I was afraid to tell you what was going on.

Question: Why were you afraid to tell?

Witness: Because Lew (Eisenberg) said if anybody finds out about this, there would be a lot of repercussions against me, against Gary, because he knew if I was friendly with Gary, especially after that evening, he said things are going to happen. People could get hurt, everybody was going to get hurt and I was afraid to tell you what was happening.

Witness: You were begging me, asking me to tell you who it was, what was going on and that you told me you could help me get out any kind of trouble that I was in.

Witness: I finally admitted to you that it was Lew Eisenberg who was the individual who has been bothering me, and then confided to you and I told you some of the details that happened.

Witness: I told you that Lew Eisenberg who was my boss was giving me a very hard time, that there was a relationship going on and he wouldn't let me get out of it and how difficult -- because of the facts of my relationship with him was effecting me at my work, that is why I was so nervous all the time.

H.O. Question: What was said?

Witness: I told him (Gary Moskowitz) why I was so afraid of Lew Eisenberg. I told him that Lew Eisenberg had come to my house and tried to rape me in my own home. I told him that Lew Eisenberg had venereal disease and he came to my house and he tried to rape me and he wanted me to get venereal disease

because I didn't have it. He had venereal warts and he wanted me to get it because I told him I didn't have anything after I went for my physical. He wanted me to get it. He tried to rape me in my own home. It is difficult for me. He pushed me down, physically used force on me, he tried to make me perform oral sex on him so I should get those ugly things on my face, that is a quote. I finally had the strength and the ability to tell somebody about it because I was too scared to tell anybody about it before so I finally told Gary.

Question: Did I (Gary Moskowitz) suggest how to remedy the situation?

Witness: That I should not be working for Mr. Eisenberg directly. I tried to get myself transferred to a different department away from Mr. Eisenberg.

Question: Do you recall me suggesting anything else to you?

Witness: That I should seek some sort of help and let somebody else know what the situation is. Either I should report it to someone within Goldman Sachs.

Witness: Yes, July 10th, it was on Monday morning, he called me into his office and he told me he had spoken with an attorney and he (Eisenberg) had signed a sworn affidavit stating that you (Gary Moskowitz) and I were in collusion of trying to extort money from him and I was appalled by that remark and I started yelling at him. I said it was impossible, how could he lie and say something like that and then when I was yelling at him he apologized to me, he said he didn't mean extortion, he was very upset and he didn't know what to do. He started crying to me and telling me he was sorry. I was very upset by the conversation I had with him, I walked out of his office and I called you up and told you what he said. You were furious and you called him right back and you confronted him with the same comment, how could he state such a fact of accusing you and me of extortion.

Question: Did he make a statement, any other statements regarding the extortion claim?

Witness: He said he is going to have to go further, he will have to tell the Police Department.

Question: Did he say why he had to do this?

Witness: He was scared of you; that information would become public of his relationship with me and what happened between him and me. He was afraid, he was angry that you were involved; that you were stopping this relationship.

Witness: He (Eisenberg) said, since he apologized he didn't mean to use the words extortion, but he would do anything possible, even fabricate a story because his word is worth more than anybody's else's word and people would be willing to believe him more, and I would have to get Gary off me.

H.O. question: Did there come a time when you became involved in any way with any police investigation of anybody who worked at Goldman Sachs, yes or no?

Witness: Yes.

Question: Did you ever tell anybody off duty regarding this allegation?

Witness: Yes, You. (Gary Moskowitz)

H.O. Question: Did there come a time when you made what you believed to be a report to the police, to a police officer who was either on or off duty at the time.

Witness: Yes.

H.O. - Did you make what you believed to be a report to an official law enforcement officer? (Regarding the Prostitution)

Witness: Yes.

Question: Do you (Kathy Abraham) recall once you reported this to me what I said must be done?

Witness: You said it would have to be reported through proper channels.

H.O. - Did you become aware of any action that was taken on your complaint?

Witness: Yes

Question: What action?

Witness: You (Gary Moskowitz) made a phone call to this department (ORGANIZED CRIME CONTROL BUREAU) and you told them that you thought there was something going on in Goldman Sachs.

Question: Did I say what the allegation was based on?

Witness: You said you believed from what information you had received from me and from someone else that there was something going on, people or partners paying women for sex.

Question: Did I ask you to speak directly to one of these officers in this unit?

Witness: Yes, you did.

Question: What was your response?

Witness: I was afraid to, I was afraid.

Question: Did you mention you would speak anonymously?

Witness: Yes I did.

Question: Do you recall any statement I made to this other police official in this unit?

Witness: You said that women involved were afraid to talk and give their names but they would be willing to talk anonymously.

Question: If I can direct your attention to August 15, 1989, do you recall serving a criminal summons of sexual harassment and abuse on Mr. Lewis Eisenberg?

Witness: Yes I did.

Question: Shortly after, did you approach anyone from the Goldman Sachs management community regarding this?

Witness: Yes I did.

Question: Who was that?

Witness: Bob Rubin.

Question: What was the contents of the conversation?

Witness: I explained to him what I did, about serving Mr. Eisenberg with a summons. I explained to Mr. Rubin about the circumstances, I explained to Mr. Rubin about what Lew was doing to myself, all of these things that were happening in the past few days. I explained to Mr. Rubin that Mr. Eisenberg had made false charges against myself and against Gary Moskowitz. I explained to Mr. Rubin the whole situation. I spoke to him for a very long time.

Question: What did he tell you?

Witness: He told me that he would talk to Mr. Eisenberg and I should call him up the next day which I did.

Question: Did he told you he had spoken to Mr. Eisenberg already?

Witness: He told me that he spoke to Mr. Eisenberg. He told me that Lew was in a lot of trouble with the firm as it is without this problem. I asked him if Lew mentioned what I talked about, about these false extortion charges and he said, yes, he did tell me. I asked him--I told Mr. Rubin that I wanted nothing from Lew, all I wanted was to continue and keep my job at Goldman Sachs and to keep Lew Eisenberg away from me and Mr. Rubin said, I will see to it that Lew would not bother me anymore and my job is safe and secure at Goldman Sachs because I am highly respected within the firm.

ON CROSS EXAMINATION

Question: Up until the time you signed that particular summons, (criminal) the harassment summons against Mr. Eisenberg, had you signed any form of complaint against Mr. Eisenberg?

Witness: Yes.

Question: When did that occur?

Witness: After he made those calls-- made several telephone calls to me and even when I asked him to stop calling me, I did call my police precinct and told them I was getting harassing phone calls.

Question: Did you tell them by who?

Witness: Yes I did.

Question: Until you had these latter day conversations in June of 1989 or thereafter with Officer Moskowitz regarding the situation with Eisenberg, up until that point you had done absolutely nothing, would that be a fair statement to say?

Witness: I decided to do something when Mr. Eisenberg was accusing me of extortion, when he was trying to set me up to take money from him through an attorney. I had to do something, so when a partner asked me to do something illegally, I have to do something because before he gets me in any sort of matter because he said he would do anything to get me.

H.O. Question: You said there came a point when you finally told Officer Moskowitz exactly what was happening to you, what had been done to you and that you also made what you thought was an official police complaint to him about goings on at Goldman Sachs. Exactly what did you tell him aside from the facts of your relationship with Mr. Eisenberg that you have already testified about?

Witness: I told Gary that Lew had wanted me to sleep with other partners at the firm and other people outside the firm, he wanted me with other men because he said this was a big thing for Lew. That is what Lew wanted to see. He wanted me to have sex with other men. He told me the names of the other partners who were interested in having sex with me.

11. Upon information and belief, plaintiff was found guilty on the administrative charges relating to Lewis Eisenberg regardless of the lack of evidence and regardless of the lack of due process. Plaintiff was dismissed from his position as a New York City Police Officer forfeiting all his pension benefits which is half the base pay of the last year working for the rest of plaintiff's life. Plaintiff had already worked nine years and was entitled to leave with vested interest in six more years. Additionally plaintiff suffered extreme hardship as he was now blacklisted from in any position of authority as plaintiff's personal integrity was now in question. Plaintiff sought relief from the Judicial System.

a) Plaintiff began an article 78 proceeding which is pending at this time to overturn the arbitrary and capricious decision of the police hearing officer. Plaintiff has also commenced two other actions.

b) The first is against the New York City Police Department (and its commissioner Lee Brown) and the City of New York (and its Mayor David Dinkins in a 1983 Civil Rights action. One of Plaintiff's many complaints, maintains that the dubious Internal Affairs Unit of the New York City Police Department illegally began an investigation into plaintiff's life after being ordered to do so by the hierarchy of the NYC police department with the express purpose to attempt to trump up false charges

against plaintiff. This was done partly out of personal vindictiveness of plaintiff religious convictions and partly because the police department was in collusion with Goldman Sachs and Co. to suppress a major investigation into Goldman Sachs and Co. regarding prostitution, narcotics and insider trading.

It is public knowledge that the UNITED STATES ATTORNEY'S office is investigating the INTERNAL AFFAIRS DIVISION of the NYC police department for CORRUPTION. Coverups, turning a blind eye to police corruption, and being used politically to hurt good cops who speak out or who do not fit the mold the way the current brass sees it are common tactics of this unit's hit squad. The internal affairs unit is strictly a political instrument of the police brass to do their bidding which include paying special favors for special outside interests groups such as Goldman Sachs and Co. Naturally police brass receive handsome rewards for such favors.

c)The second action plaintiff filed was against Lewis Eisenberg and his former firm Goldman Sachs and Co. Plaintiff alleged in this complaint the following torts:

Harassment, Malicious Prosecution, Abuse of Process, Invasion of privacy, Defamation of Character, and Intentional affliction of emotional harm.

On or about June of 1991 Kathy Abraham settled her civil case alleging sexual harassment against Lewis Eisenberg and Goldman Sachs. The case was discontinued and in consideration Kathy Abraham received hundreds of thousands of dollars from her former company Goldman Sachs and Company. The agreement for Kathy Abraham to receive the money would be that she would have to agree to settle the case for employment discrimination with Goldman Sachs and Co., and drop the sexual harassment case against both Lewis Eisenberg and Goldman Sachs. The main reason being that both Lewis Eisenberg and Goldman Sachs were aware that plaintiff Gary Moskowitz would be commencing a civil lawsuit against them. Kathy Abraham was privileged with this information and betrayed Gary Moskowitz' confidentiality.

Moskowitz' entire purpose in being involved with this matter was to help Kathy Abraham after she came to plaintiff for assistance. The New York City Police Department used this entire episode as a cheap unjustified excuse to terminate Moskowitz' employment for the purpose of discrediting plaintiff's credibility in his complaint against the New York City Police Department to the Employment Equal Opportunity Commission (EEOC) for violating his civil rights. Additionally Goldman Sachs needed to discredit plaintiff's testimony so as to block a major investigation into their firm for violations of the penal law, civil law and with the Security Exchange Commission and to prevent plaintiff from seeking relief in the Courts from this injustice. Also at the time prior to plaintiff's administrative hearing Lewis Eisenberg and Goldman Sachs correctly believed that I would be testifying on behalf of defendant Kathy Abraham if her case would go trial against them. This made it more imperative for Goldman Sachs to encourage Lewis Eisenberg to continue his false accusations against plaintiff while they knowingly knew that it was false.

13. Upon information and belief, defendant Kathy Abraham had to sign a stipulation as part of her agreement to receive the settlement monies from Goldman Sachs recanting her entire sworn affidavits filed in the New York State Supreme Court and recanting her entire testimony at plaintiff's administrative hearing from the New York City Police Department. It is unconscionable for defendant Kathy Abraham to blatantly lie after all the personal and legal authorities she called in to assist her in prosecuting Lewis Eisenberg criminally and civilly for perpetrating crimes against her.

It is no coincidence that the defendant suddenly decided to recant her initial complaints of sexual harassment two years after the fact when lots of cash was offered to defendant. It is one thing to lie and not care about your own integrity but it is another thing to lie which compromises the integrity of another and in this case it is the plaintiff's. By defendant Kathy Abraham lying brazenly to settle her case she directly damages plaintiff's civil cases which are pending against Goldman Sachs and the New York City Police Department. The damages are clearly quite extraordinary.

Defendant Kathy Abraham publicly alleges now in a clear outrageous and calculated, and libelous lie (to receive money) that:

"WHEN MY RELATIONSHIP WITH LEW EISENBERG ENDED I WAS EMOTIONALLY DISTRAUGHT. I DID THINGS THAT I WILL ALWAYS REGRET. I NEVER WANTED TO FILE CRIMINAL CHARGES AND JUST FOLLOWED MOSKOWITZ' INSTRUCTIONS. I REALIZED NOW THERE WAS NO HARASSMENT."

"LEW EISENBERG NEVER HURT ME IN ANY WAY. CONTRARY TO THE ARTICLE IN THE NEW YORK OBSERVER, HE NEVER PAID ME ANY MONEY IN THIS CASE. I REGRET THE PAIN THIS HAS CAUSED HIM, MYSELF, AND OUR FAMILIES. I HOPE THIS WILL BRING IT TO A CLOSE".

This publication was sent to the New York Observer 5/15/92 and partially published in their following issue dated 5/25/92. The expressed intent was to directly interfere and hurt plaintiff's case in pursuit of his legitimate rights in his actions against Goldman Sachs and Co., Lewis Eisenberg, and the New York City Police Department. It is ironic but now there is a clear conspiracy between defendant Kathy Abraham and Goldman Sachs/Lewis Eisenberg. **The defendant's new published statement that "I never wanted to file criminal charges and just followed Moskowitz' instructions", clearly implies that plaintiff forced defendant or coerced defendant to file false charges which is a crime. Is the Court expected to believe that the defendant was coerced to file false charges at the time? During this period the defendant was being represented with legal counsel with two different attorneys who were well aware of the criminal proceedings then, the defendant**

began against Lewis Eisenberg. Surely they would have advised the defendant to at least drop the charges if they (attorneys) felt that this was inappropriate or illegal. No. They offered to be with their defendant in court when the case was supposed to go to trial. Does the defendant now allege that her attorneys also instructed her to file or continue pressing a false report?

Regarding defendant's statement that "I realize now there was no harassment. and "Lew Eisenberg never hurt me in any way". Is the Court expected to believe after all the sworn affidavits, testimonies, interrogations, interviews, investigations, and lives ruined that defendant Kathy Abraham can now in good faith claim "I made a mistake". The defendant does not have "Clean Hands". Money and lots of money was her recent modus operandis when she maliciously made these statements about herself and plaintiff. Even the statements about herself effects and injures plaintiff's credibility as to plaintiff's true intentions. It is most important that plaintiff's credibility is maintained and not compromised because plaintiff's entire cases are based on his credibility. Plaintiff's credibility was based on defendant's Kathy Abraham's testimony and sworn affidavits which stated clearly why plaintiff got involved in the first place which was to protect the defendant.