

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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**NICHOLAS D. D'ANGELO**

365 Market Street  
Lockport, New York 14094

**VERIFIED COMPLAINT**

Index No.:

Plaintiff,

vs.

**CATHY HOOPER**

5328 Upper Mountain Road  
Lockport, New York 14094

Defendant.

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Plaintiff, by its attorneys, JACKSON & BALKIN, Nicholas D. D'Angelo, Esq., of counsel, as and for its Complaint against the Defendants, respectfully alleges:

1. That at all times hereinafter mentioned, the Plaintiff, NICHOLAS D. D'ANGELO, is an individual with a residence in Niagara County.
2. That upon information and belief, and at all times hereinafter mentioned, the Defendant CATHY HOOPER, was and still is an individual residing at 5328 Upper Mountain Road, Lockport, New York 14094, County of Niagara.

**FACTS**

3. That on or about August 11th, 2020, Defendant Hooper posted on her personal Facebook page about Plaintiff D'Angelo.
4. Defendant Hooper stated, "he has pleaded guilty to RAPE. . . ." Attached hereto as EXHIBIT A is the post.

5. Plaintiff D'Angelo, at the time of this post, was the Managing Editor of the Niagara Reporter newspaper and is the individual referred to in the post.
6. That on or about August 24th, 2020, Defendant Hooper posted to a public group page titled "The Action 716" about Plaintiff D'Angelo.
7. The comment was made in a post linking a newspaper article from the Buffalo News about Plaintiff D'Angelo. Attached hereto as EXHIBIT B is the article.
8. Defendant Hooper stated, "he actually did plead guilty to rape. Ask me how I know..lol." Attached hereto as EXHIBIT C is a screenshot of the post.
9. That on or about August 27th, 2020, Defendant Hooper commented on a post on the public Facebook page 'The Edge of the Falls' about Plaintiff D'Angelo. Attached hereto as EXHIBIT D is a screenshot of the post.
10. Referring to Plaintiff D'Angelo, Defendant Hooper stated, "he even said he was guilty of rape ten years ago." Attached hereto as EXHIBIT E is a screenshot of the comment made by Defendant Hooper.
11. After posting screenshots of motion papers, Defendant Hooper continued in another comment, "here is where it says guilty of rape." Attached hereto as EXHIBIT F are the screenshots and her comment.
12. Plaintiff D'Angelo never has pleaded guilty to rape.
13. Plaintiff D'Angelo is not a public figure.

#### **CAUSE OF ACTION FOR DEFAMATION**

14. That Plaintiff repeats and re-alleges all statements from paragraphs one (1) through thirteen (13) of this Complaint as if set forth fully herein.

15. That Plaintiff D'Angelo is an attorney duly licensed to practice law in the State of New York with offices in both Lockport and Niagara Falls.
16. That on multiple occasions specified herein, Defendant Hooper has published false statements in writing on her personal Facebook page regarding Plaintiff D'Angelo.
17. Defendant Hooper's statements were made in writing on her personal Facebook page which are viewable to the public and more than 700 of her Facebook friends and other public pages which are seen by thousands.
18. The posts made by Defendant Hooper on her personal Facebook page and in other public group pages, were then read, shared, widely disseminated and/or commented on across the social media platform.
19. Defendant Hooper's intent was for these posts to be widely disseminated, read, interacted with and the information repeated.
20. Defendant, with the intent that the false statements be widely disseminated and repeated, posted defamatory and false statements as referenced herein.
21. Defendant Hooper knows that her personal Facebook page has over 700 followers and that the posts would be widely disseminated across the social media platform.
22. Similarly, Defendant Hooper knows that the public Facebook pages or groups where she made the above-referenced statements were viewable by thousands.
23. Defendant Hooper's false statements of Plaintiff D'Angelo being a "rapist" or that he "plead guilty to rape" amount to stating that D'Angelo committed a felony which is *defamation per se*.
24. That the statements made by Defendant Hooper are and were false.

25. That Defendant Hooper knew or should have known that the statements were false.
26. That by knowing the falsity of the statements made, Defendant Hooper acted with malice.
27. Upon information and belief, that there are additional false and defamatory statements made by Defendant Hooper.
28. That the plain import of the names used to described Plaintiff D'Angelo made by Defendant Hooper were to impugn the credibility and injure Plaintiff D'Angelo's reputation in the community where he works as an attorney.
29. That as a result of said false allegations, of which Defendant Hooper was aware of their falsity or a high degree of awareness of its probable falsity, Plaintiff D'Angelo was defamed and suffered damage to his reputation as a member of the community and as an attorney practicing in the community.

#### **CAUSE OF ACTION FOR INJURIOUS FALSEHOOD**

30. That Plaintiff repeats and re-alleges all statements from paragraphs one (1) through twenty-nine (29) of this Complaint as if set forth fully herein.
31. That Plaintiff D'Angelo is an attorney duly licensed to practice law in the State of New York with offices in both Lockport and Niagara Falls.
32. That on multiple occasions specified herein, Defendant Hooper has published false statements in writing on her personal Facebook page regarding Plaintiff D'Angelo.
33. Defendant Hooper's statements were made in writing on her personal Facebook page which are viewable to the public and more than 700 of her Facebook friends and other public pages which are seen by thousands.

34. The posts made by Defendant Hooper on her personal Facebook page and in other public group pages, were then read, shared, widely disseminated and/or commented on across the social media platform.
35. Defendant Hooper's intent was for these posts to be widely disseminated, read, interacted with and the information repeated.
36. Defendant, with the intent that the false statements be widely disseminated and repeated, posted defamatory and false statements as referenced herein.
37. Defendant Hooper knows that her personal Facebook page has over 700 followers and that the posts would be widely disseminated across the social media platform.
38. Similarly, Defendant Hooper knows that the public Facebook pages or groups where she made the above-referenced statements were viewable by thousands.
39. Defendant Hooper's false statements of Plaintiff D'Angelo being a "rapist" or that he "plead guilty to rape" amount to stating that D'Angelo committed a felony which is *defamation per se*.
40. That the statements made by Defendant Hooper are and were false.
41. That Defendant Hooper knew or should have known that the statements were false.
42. That by knowing the falsity of the statements made, Defendant Hooper acted with malice.
43. Upon information and belief, that there are additional false and defamatory statements made by Defendant Hooper.
44. That the plain import of the names used to described Plaintiff D'Angelo made by Defendant Hooper were to impugn the credibility and injure Plaintiff D'Angelo's reputation in the community where he works as an attorney.

45. That as a result of said false allegations, of which Defendant Hooper was aware of their falsity or a high degree of awareness of its probable falsity, Plaintiff D'Angelo was defamed and suffered damage to his reputation as a member of the community and as an attorney practicing in the community.

46. That as a result of said false allegations, of which Defendant Hooper was aware of their falsity or a high degree of awareness of its probable falsity, Plaintiff D'Angelo's business has suffered severe monetary damage.

#### **CAUSE OF ACTION FOR NEGLIGENCE**

47. That Plaintiff repeats and re-alleges all statements from paragraphs one (1) through forty-six (46) of this Complaint as if set forth fully herein.

48. That Plaintiff D'Angelo is an attorney duly licensed to practice law in the State of New York with offices in both Lockport and Niagara Falls.

49. That on multiple occasions specified herein, Defendant Hooper has published false statements in writing on her personal Facebook page regarding Plaintiff D'Angelo.

50. Defendant Hooper's statements were made in writing on her personal Facebook page which are viewable to the public and more than 700 of her Facebook friends and other public pages which are seen by thousands.

51. The posts made by Defendant Hooper on her personal Facebook page and in other public group pages, were then read, shared, widely disseminated and/or commented on across the social media platform.

52. Defendant Hooper's intent was for these posts to be widely disseminated, read, interacted with and the information repeated.

53. Defendant, with the intent that the false statements be widely disseminated and repeated, posted defamatory and false statements as referenced herein.
54. Defendant Hooper knows that her personal Facebook page has over 700 followers and that the posts would be widely disseminated across the social media platform.
55. Similarly, Defendant Hooper knows that the public Facebook pages or groups where she made the above-referenced statements were viewable by thousands.
56. That Defendant Hooper owed a duty of care to Plaintiff D'Angelo to not misrepresent prior court proceedings.
57. That Defendant Hooper did not act in a reasonably prudent manner while participating in discussions on Facebook regarding Plaintiff D'Angelo.
58. Furthermore, Defendant Hooper did not act in a reasonably prudent manner in mischaracterizing motion papers and purporting them to be an admission or court order.
59. That as a result of said Defendant Hooper's negligence, Plaintiff D'Angelo suffered damage to his reputation as a member of the community and as an attorney practicing in the community.
60. Further, that as a result of Defendant Hooper's negligence, Plaintiff D'Angelo's business has suffered severe monetary damage.

**WHEREFORE**, Plaintiff demands judgment against Defendant CATHY HOOPER as follows:

- A. Damages in an amount to be proven at trial; and
- B. For such other and further relief as the Court may deem just and proper.

Dated: August 27th, 2020

Lockport, New York

Respectfully Submitted,  
JACKSON & BALKIN

Nicholas D. D'Angelo, Esq.  
*Attorneys for Plaintiff*  
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Lockport, New York 14095  
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CELL: (716) 990-3677  
ndangelolaw@gmail.com

**VERIFICATION**

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF NIAGARA    )

NICHOLAS D. D'ANGELO, being duly sworn, deposes and says that deponent is the Plaintiff in the within action; that deponent has read the foregoing Complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters believes it to be true.

NICHOLAS D. D'ANGELO

On the 20<sup>th</sup> day of August, in the year 2020, before me, the undersigned, a notary public in and for the said state, personally appeared NICHOLAS D. D'ANGELO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(Signature and Office of Individual taking acknowledgment)

PAULA L. ROSE 01RO4809256  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires 12/31/20 22



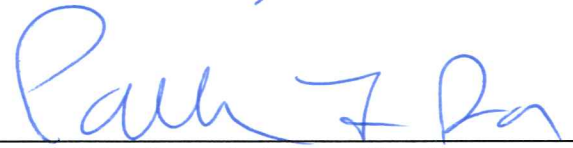
**ATTORNEY VERIFICATION**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF NIAGARA    )

I, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, am the attorney of record for the Plaintiff in the within action. I have read the foregoing Complaint and know the contents thereof, which are true to my own knowledge except as to matters therein stated to be alleged upon information and belief and, as to those matters, I believe them to be true. The grounds of my belief as to those matters therein not stated upon knowledge are based upon facts, records, and other pertinent information contained in my files. The reason this Verification is made by me and not by the Plaintiff is that the Plaintiff currently lives outside of the county where I maintain my office.

  
\_\_\_\_\_  
Nicholas D. D'Angelo, Esq.

Subscribed and sworn to before me  
this 28<sup>th</sup> day of August, 2020

  
\_\_\_\_\_  
Notary Public/ Commissioner of Deeds

PAULA L. ROSE 01RO4809256  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires 12/31/20 22