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Supreme Court of the State of New York
County of New York

Bibliotechnical Athenaeum,)
)
)
 Plaintiff,)
)
 - against -)
)
 National Lawyers Guild, Inc., &)
 The National Lawyers Guild)
 Foundation, Inc.,)
)
)
 Defendant.)

SUMMONS

Plaintiffs designates New York County as the place of trial.

The basis of venue is residence of Defendants

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint or amended complaint in this action and to serve a copy of your answer, or, if the complaint or amended complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
July 13, 2016

/s/ David Abrams

David Abrams, Attorney at Law
Attorney for Plaintiff
305 Broadway Suite 601
New York, New York 10007
(212) 897-5821

FILED WITH THE CLERK OF THE COURT, _____ COUNTY ON _____

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Supreme Court of the State of New York
County of New York

Bibliotechnical Athenaeum,)	
)	
)	
Plaintiff,)	
)	Index No. _____
- against -)	
)	
National Lawyers Guild, Inc., &)	<u>Complaint</u>
The National Lawyers Guild)	
Foundation, Inc.)	
)	
)	
Defendants.)	
)	
)	
)	

Plaintiff, complaining of the Defendants by its attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

I. Introduction

1. This is an action for unlawful discrimination under the New York City and State Human Rights Laws. As set forth in more detail below, the Defendants, a place or provider of public accommodation, has unlawfully denied such public accommodation to the Plaintiff on the grounds of its Israeli citizenship and origin.

2. More specifically, the Defendants refused to permit Plaintiff to participate in its Annual Banquet to be held in New York in August of 2016 by refusing to sell Plaintiff advertising space in its Dinner Journal to be distributed at such banquet. This refusal was based solely on Plaintiff's Israeli citizenship and origin.

3. It should be emphasized that this action does not challenge the Defendants' right to criticize Israel; to hold anti-Israel or anti-Semitic views; or to advocate for policies based on such views.

4. Instead, this action challenges the Defendants' unlawful public accommodation discrimination regardless of the political position which underlies such discrimination.

II. Parties

5. Plaintiff Bibliotechnical Athenaeum ("Plaintiff" or "Bibliotechnical") is an Israeli organization with places of business in New York, New York and Elazar, Gush Etzion, Israel.

6. Defendants National Lawyers Guild, Inc. and The National Lawyers Guild Foundation, Inc. (collectively, the "Guild") are New York not-for-profit corporations with principle places of business in the State of New York, County of New York.

III. Venue and Jurisdiction

7. Venue in the County of New York is appropriate in that the Guild is located in the County of New York.

8. Subject matter jurisdiction over this action exists in that the Supreme Court of the State of New York has general jurisdiction. Further, Plaintiff is seeking injunctive relief against the Defendants.

9. Personal jurisdiction exists in that this matter arises out of the Defendants' activities in the State of New York, specifically the providing of public accommodation and unlawfully denying such accommodation to the Plaintiff.

IV. Background

10. Since its formation in the 1940s, Israel has been the target of boycott movements by its enemies, starting with the Arab League boycott of Israel which began some 70 years ago in 1945. Indeed, the modern movement to boycott Israel can trace its roots

back to 1922 when the Fifth Palestine Arab Congress in Nablus called for a boycott of Jewish goods.

11. Due to various factors such as evolving diplomatic relations, peace treaties, and political events as well as Israel's economic success, the Arab League boycott of Israel subsequently lost steam and become essentially ineffective by the 1990s. This set the stage for the most recent campaign by Israel's opponents to delegitimize and economically isolate the Jewish State which is known as the Boycott Divestment and Sanctions campaign or BDS Movement and which was launched approximately 10 years ago. In its latest incarnation, the anti-Israel boycott movement is not being imposed by a foreign country however the ultimate goal is the same.

12. Although the BDS Movement is cast as a human rights effort, it makes no attempt to boycott countries or entities which hang homosexuals; torture political opposition; or deny voting rights to their citizenry. Nor does it target (besides Israel) any of the many countries such as Turkey, Russia, or Morocco, which militarily occupy disputed territory. Instead the BDS Movement remains lock focused on Israel. Indeed, there are prominent supporters of the BDS movement who have admitted that their goal is to put an end to the Jewish State.

13. Thus, the BDS Movement is just a new spin on an old idea – to end Israel's existence through economic pressure, this time with the patina of human rights advocacy to lend legitimacy to its efforts.

V. The Guild's Annual Banquet

14. The Guild regularly holds conferences and events, both inside and outside of New York. These events are open to the public and food, drink, and lodging are typically offered to participants.

15. In August of this year, the Guild is scheduled to hold a "Law for the People" conference to take place in Manhattan (the "Conference").

16. In connection with the Conference, the Guild offered to the public the opportunity to purchase advertising in its "dinner journal" to be distributed at its annual banquet.

17. More specifically, the Guild posted the following message on its web site:

Show your support for the NLG with an ad in our annual Dinner Journal!
Distributed at the Banquet of the #Law4thePeople Convention, placing an ad in the journal is a great way to congratulate our outstanding honorees, publicize your firm or organization, or just share a message of your own!

18. In response to this message, on or about June 26, 2016, Bibliotechnical submitted the following advertisement to be included in the Dinner Journal:



19. This advertisement is typical of advertisements which are accepted and included in the Dinner Journal by the Guild.

20. On June 27, 2016, Bibliotechnical duly paid the \$200 fee for publication of this advertisement.

21. On the same day, the Guild rejected the advertisement, advising Bibliotechnical that it would not accept monies from an Israeli organization. The next day, the \$200 was refunded.

VI. Causes of Action and Demand for Relief

Count I: Violation of the New York City Human Rights Law

22. The preceding paragraphs are incorporated as if restated herein.

23. Bibliotechnical is a "person" within the meaning of the New York City Human Rights Law in that it is an organization and the New York City Human Rights Law defines a "person" as including "one or more, natural persons, proprietorships partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers." New York City Human Rights Law Section 8-102.

24. Further, Bibliotechnical is of Israeli citizenship and national origin. This is clear without even looking beyond the Hebrew in its founding documents, but the Courts have held that corporations can even have a racial identity for purposes of anti-discrimination claims. *See e.g Hudson Valley Theater Inc. v. Heimbach*, 671 F.2d 702 (2d. Cir. 1982).

25. The Guild is and/or regularly operates a place or provider of public accommodation in that it provides "goods, services, facilities, accommodations, advantages or privileges of any kind" within the meaning of New York City Human Rights Law Section 8-102(9). More specifically, the Guild holds an annual banquet and offers advertising to the public in connection with such banquet.

26. The Guild violated the New York City Human Rights Law by denying Bibliotechnical the above services on the grounds of its citizenship and national origin.

Count II: Violation of the New York State Human Rights Law

27. The preceding paragraphs are incorporated as if restated herein.

28. Bibliotechnical is a "person" within the meaning of the New York State Human Rights Law in that the New York State Human Rights Law defines a "person" as including "one or more individuals, partnerships, associations, corporations, legal

representatives, trustees, trustees in bankruptcy, or receivers." New York Executive Law Section 292(1).

29. Further, Bibliotechnical is of Israeli national origin. This is clear without even looking beyond the Hebrew in its founding documents, but the Courts have held that corporations can have even a racial identity for purposes of anti-discrimination claims. *See e.g Hudson Valley Theater Inc. v. Heimbach*, 671 F.2d 702 (2d. Cir. 1982).

30. Further, the Guild regularly operates places of public accommodation, resort, or amusement in that it puts on conferences which take place in the public areas of structures and in which food and lodging is offered. Indeed, this action arises from a banquet to be held in New York in August of 2016.

31. The Guild violated the New York State Human Rights Law by denying Bibliotechnical the accommodations, advantages, facilities or privileges of its event.

WHEREFORE Plaintiff demands judgment against the Defendants for (1) an appropriate amount of compensatory and punitive damages not to exceed \$100,000; (2) an injunction ordering the Defendants to cease engaging in discriminatory conduct; (3) costs, interest, and reasonable attorneys fees; and (4) such other and further relief as the Court deems just.

Respectfully submitted,

/s/ David Abrams

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Dated: July 13, 2016
New York, New York