

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ROBIN CUPEDRO-SACCANY
3760 West 136th Street
Cleveland, Ohio 44111

and

THEODORE J. SACCANY,
3760 West 136th Street
Cleveland, Ohio 44111

Plaintiffs,

vs.

THOMAS D. GANLEY
10802 Glen Forest Trail
Brecksville, Ohio 44141

Defendant.

CASE NO.:

JUDGE:

**COMPLAINT FOR DAMAGES
RESULTING FROM ATTEMPTED
RAPE, SEXUAL ASSAULT, SEXUAL
HARASSMENT, INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS, LOSS OF CONSORTIUM,
AND LOSS OF SERVICES
WITH JURY DEMAND**

THE PARTIES

1. The Plaintiff Robin Cupedro-Saccany (hereinafter referred to as "Mrs. Saccany") is a 39 year old married woman, the mother of four children and a resident of the City of Cleveland, County of Cuyahoga, and State of Ohio and a long time conservative Republican who volunteered to work on Thomas Ganley's United States Senate election campaign.

2. The Plaintiff Theodore J. Saccany is a 42 year old male and the husband of the Plaintiff Robin Cupedro-Saccany and a resident of the City of Cleveland, County of Cuyahoga, and State of Ohio.
3. Defendant Thomas D. Ganley (hereinafter referred to as "Ganley") is a 67-68 year old male, and a resident of the City of Brecksville, County of Cuyahoga, and State of Ohio who was campaigning for the United States Senate when Mrs. Saccany volunteered to assist him on his Senate election campaign.

JURISDICTION

4. This Court has jurisdiction over Plaintiffs' claims since they arise under the common law of the State of Ohio.

VENUE

5. Venue is proper in this Court under Civil Rule 3(B) because the Defendant resides in Cuyahoga County, Ohio and all of the claim for relief arose in Cuyahoga County, Ohio.

FACTS

6. Mrs. Saccany is a conservative Republican and a fervent believer in Christian Family Values, an ardent supporter of Right to Life, and a dedicated opponent of abortion.
7. Mrs. Saccany is almost thirty (30) years younger than Ganley.
8. Mrs. Saccany met Ganley when she was attending a Tea Party rally in downtown Cleveland on July 3, 2009 at the Free Stamp at Willard Park.
9. Mrs. Saccany attended this Tea Party rally in downtown Cleveland with her four children and introduced herself and her children to Ganley at the rally.

10. During their conversation Ganley told her that he was Pro-Life and one of his goals if he was elected to the United States Senate was to end abortion. Upon hearing that, Mrs. Saccany told Ganley that she was interested in volunteering to work on his campaign.
11. At that time she also mentioned to Ganley that she had purchased her van from the Ganley Chevrolet dealership at a high interest rate and asked if there was any way to get a lower interest rate. Ganley stated that he would look at the numbers and see what he could do.
12. Ganley told Mrs. Saccany to call him at the Ganley Chevrolet dealership, where his personal office was located at 15315 Lorain Road in Cleveland to set up an appointment for him to meet with her to discuss working on his campaign, and also about lowering her van interest rate.
13. Mrs. Saccany later called Ganley as he requested and set up an appointment for her to come to his office to meet with him on or about July 13, 2009.
14. At the first meeting Mrs. Saccany discussed her opposition to abortion, her faith, the Bible, and the election campaign with Ganley. At the end of this first meeting, he stated that he very much wanted her to work on his Senate campaign.
15. During this first meeting Ganley also asked Mrs. Saccany if she was interested in a paid job, and told her that he would help find her a position working with his car dealerships.
16. Mrs. Saccany told him that she was very interested in a paid position and was in need of employment.

17. After about an hour Mrs. Saccany told Ganley that she had to end the meeting and leave soon due to time constraints. She then brought up her van interest rate which Ganley had promised to review when she met him at the Tea Party rally.
18. Ganley told her that they would have to set up another meeting to get that taken care of. Mrs. Saccany asked if she should look for the paper work for the loan. He assured her that he had all the documents on his computer and that she did not have to bring anything. He told her not to worry and that he would have the interest rate reduced at their next meeting. Mrs. Saccany was overjoyed.
19. As the meeting ended Ganley told Mrs. Saccany that it did not sound like she had much "Fun". At the time she thought nothing of it.
20. Mrs. Saccany told Ganley that her main focus was on raising her four children properly as good Christians; and that she would have more time for herself when her children were older.
21. Mrs. Saccany sent Ganley a thank you note on July 14, 2009 after the first meeting. (See Exhibit 1 attached)
22. A second meeting at his office was scheduled later in July 2009 for Ganley to reduce Mrs. Saccany's van interest rate, to discuss Mrs. Saccany's role as a volunteer campaign worker, and to firm up the details on Mrs. Saccany's newly promised employment with Ganley's dealerships.
23. At this second meeting at Ganley's office, Mrs. Saccany again discussed the Bible and how important the issue of abortion was to her, and told Ganley that is why she volunteered to work on his Senate campaign, because of his Pro-Life and pro-family values positions.

24. At that meeting Mrs. Saccany asked Ganley about the job with his dealerships that he had discussed with her and told him that she really needed a job to help support her family. Ganley again told her that he would help find her a job with his dealerships.
25. Ganley brought up the topic of "Fun" again and told Mrs. Saccany that she needed to start having some "Fun" in her life. He then told Mrs. Saccany that he and his wife lead separate lives and that his wife "lives on the other side of the house". Mrs. Saccany did not know where he was going with that line of talk; so at that point she directed the conversation back to his election campaign.
26. Ganley acted like he was very interested in Mrs. Saccany's ideas and views, and again told her that he wanted her working for him on his campaign and in a paid business capacity also. Mrs. Saccany was excited regarding these opportunities.
27. Ganley had still not discussed reducing Mrs. Saccany's interest rate on her van at this second meeting by the time Mrs. Saccany had to leave to attend to her family duties.
28. Ganley told her that they would have to schedule another meeting soon and he would take care of the van interest rate reduction at the next meeting.
29. Later Ganley called Mrs. Saccany and asked how her van was running. Mrs. Saccany told him not that well, and that she was having problems with the power steering. Ganley then told her to bring it in for him to look at. She told him that she had no money to pay for such a repair. Ganley told her that was no big deal and that he would have his service department fix it free of charge; and that he would

just write it off. Mrs. Saccany was thrilled at what she perceived as a Christian act of Charity.

30. Ganley later called Mrs. Saccany four (4) times on July 30 and July 31, 2009, as the telephone records demonstrate, and told her to bring her van to his service department that Saturday August 1, 2009, and then to come upstairs to his personal office for their third and final meeting.
31. Mrs. Saccany first took her car to the service department at Ganley Chevrolet. When Mrs. Saccany went upstairs into Ganley's office, the smell of cologne was overpowering, and as Mrs. Saccany walked into his office Ganley sprayed breathe freshener into his mouth.
32. Ganley asked Mrs. Saccany if the van was in the service department and she said yes. Then Ganley started the "Fun" talk again. Ganley told her that he had a condo in Strongsville where he would like to take Mrs. Saccany to have some "Fun". Ganley then told Mrs. Saccany that he has a group of people that he "plays" with. At this point Mrs. Saccany was in shock.
33. Plaintiffs' counsel verified the fact that Ganley in fact did own a condominium in Strongsville at 11427 Blodgett Creek Trail.
34. Ganley then pushed a \$100 bill across his desk toward Mrs. Saccany and told her that she should purchase some high heels, a thong, and some lingerie, so she could play along with him and his friends. Mrs. Saccany was speechless and shocked beyond words.

35. Ganley told Mrs. Saccany that he wanted her to be "submissive" to him, and that he wanted to "dominate" Mrs. Saccany and parade her around on a leash while his other "play" friends watched.
36. Mrs. Saccany told him several times that she did not want to be involved with something like that; but he continued his pitch.
37. As he continued to expound, Mrs. Saccany just listened and was non-committal and non-responsive to his perverted entreaties. All Mrs. Saccany was thinking about was that she had to get out of there; but she was still waiting for her van repairs to be completed.
38. Mrs. Saccany was afraid and did not want to make Ganley angry, because she knew that he was very powerful and controlling.
39. It flashed through Mrs. Saccany's mind at that time, that this guy is the head of Crime Stoppers in Cleveland; who is going to believe me?
40. When Mrs. Saccany got up from her chair to walk around the office in an attempt to avoid looking at Ganley directly across the desk while she continued to wait for her car repair to be completed, he came up from behind her, grabbed her, began kissing her, and stuck his tongue in her mouth and almost down her throat. Mrs. Saccany pushed him away and was in further shock and dismay and stated to Ganley: "What would your wife say?", but that did not deter him.
41. Ganley breathing heavily continued to grope Mrs. Saccany and told her that he wanted to have sex with her and have others watch. That made Mrs. Saccany sick and was so over the top offensive to her, that she was in shock and did not know how to respond; but continued to resist.

42. Ganley told her that he wanted her to be submissive, and if she did not make up her mind quickly about "playing" with him, that she was replaceable, because there were others who would love to play that role.
43. Ganley then started pulling Mrs. Saccany into the bathroom in an attempt to rape her as she struggled with him and resisted. Ganley attempted to force Mrs. Saccany into the bathroom and rubbed her crotch and then stuck his hand down the front of her pants attempting to penetrate her vagina. Ganley was moaning, making noises, and he had a contorted and disgusting look on his face.
44. Mrs. Saccany felt even worse, because these actions made her vividly recall the fear, disgust, and shame that she had experienced when she was sexually abused as a nine year old by her step father. Her old wounds were ripped open. Mrs. Saccany's stepfather, as stated above, was charged and jailed for sexually assaulting her when she was nine years old. Here she was a target again.
45. Ganley continued to moan and groan and told Mrs. Saccany that he "wanted to lick her _____", as she continued to resist.
46. Mrs. Saccany as a last resort told Ganley that she was menstruating in hope that he would stop his sexual assault. When she stated that, Ganley stopped his physical sexual assault; but continued his lewd and disgusting talk.
47. Mrs. Saccany was repulsed by Ganley's actions which reminded her of her step father sexually assaulting her, since there was a similar age disparity between her and both men. Mrs. Saccany was previously sexually assaulted by her step-father, who was approximately thirty (30) years older than her, when she was nine (9) years old. Mrs. Saccany was an extremely vulnerable victim to Ganley.

48. Shortly thereafter the man from the service department called and said that her van was done. Ganley assured Mrs. Saccany that there would be no charges for the work that his company had done on her van, and that he would just write it off. He insisted that she take the \$100 bill that he had given her, and Mrs. Saccany then left.
49. The "free" billing statement for the August 1, 2009 van work is attached hereto as Exhibit 2.
50. Shortly after this August 1, 2009 Attempted Rape and Sexual Assault, Mrs. Saccany informed a number of people of this occurrence.
51. On October 9, 2009, Mrs. Saccany hand delivered an envelope to Ganley's place of business containing a letter from her to Ganley, and the \$100 bill Ganley forced upon her on August 1, 2009. In this letter Mrs. Saccany only referred to Ganley's vulgar language and behavior, and not to the physical sexual assault, because she knew that what Ganley did to her was a criminal offense. Mrs. Saccany thought if she mentioned the Attempted Rape and Sexual Assault in the letter that Ganley would take it as a threat. She did not make a police report at that time because she believed if she did that no one would believe her and that she would be afraid for her life, because of Ganley's previous involvement with organized crime and his status with law enforcement organizations. A copy of the October 9, 2009 letter is attached as Exhibit 3.
52. Later in October 2009, in a telephone conversation heard by a third party, Ganley admitted these actions and apologized several times. He told her no hard feelings, and if you ever need anything let me know. He said let's just forget about this.

- However, Mrs. Saccany cannot forget about this Attempted Rape and Sexual Assault; and feels dirty, shamed, soiled, and violated.
53. Mrs. Saccany has been undergoing professional counseling as a result of the Attempted Rape and Sexual Assault by Ganley.
 54. She has also been prescribed and is taking high doses of anxiety medication as a result of Ganley's actions.
 55. Ganley's actions have severely affected her psyche, particularly opening and aggravating 30 year old wounds from when she was previously sexually assaulted and taken advantage of as a nine year old child by her stepfather.
 56. Mrs. Saccany obtained legal counsel to represent her in reference to this occurrence in October 2009, two months after the Attempted Rape and Sexual Assault.
 57. Ganley has had four (4) different lawyers involved representing him since May 2010.
 58. In this continuing saga, Ganley in desperation even attempted to contact Mrs. Saccany recently on at least seven occasions at her home in the month of July, 2010 alone, in an attempt to intimidate her, despite the fact that he was represented by attorneys regarding this matter.
 59. On September 13, 2010 a five hour private Mediation was conducted at the request of Ganley in an attempt to settle Mrs. Saccany's claims for damages. Ganley agreed to pay all costs involved in the mediation including the mediator's \$500 per hour fee. However this matter was not resolved.

60. Plaintiffs decided to file this lawsuit after the unsuccessful Mediation and after discovering that Ganley's previous 25 year general counsel, Russell Harris just filed a law suit against Ganley on September 7, 2010 in Cuyahoga County Court of Common Pleas Case No. CV 10 736109; apparently related to the potential attempted suborning of perjury by Ganley. The filing of this lawsuit helped alleviate Plaintiffs' fears in proceeding against Ganley.

CAUSE OF ACTION ONE

(Attempted Rape)

(As to Plaintiff Robin Cupedro-Saccany)

61. The Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation, statement and averment contained herein.
62. On August 1, 2009 the Defendant Thomas Ganley committed the offense of Attempted Rape upon the Plaintiff Robin Cupedro-Saccany.
63. Ganley committed Attempted Rape by attempting to insert his fingers into Mrs. Saccany's vagina. Rape is defined under the Ohio Revised Code as "the insertion, however slight, of any part of the body *** into the vaginal or anal opening of another." Penetration, however slight, is sufficient to constitute rape.
64. Plaintiff was damaged by such actions.
65. The Defendant's actions were intentional, wanton, willful, malicious, and were in conscious disregard of the rights and safety of the Plaintiff, entitling the Plaintiff to punitive damages.

CAUSE OF ACTION TWO

(Sexual Assault)

(As to Plaintiff Robin Cupedro- Saccany)

66. The Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation contained herein.
67. On August 1, 2009 the Defendant Thomas Ganley sexually assaulted the Plaintiff Robin Cupedro-Saccany.
68. Plaintiff was damaged by such actions.
69. The Defendant's actions were intentional, wanton, willful, malicious, and were in conscious disregard of the rights and safety of the Plaintiff, entitling the Plaintiff to punitive damages.

CAUSE OF ACTION THREE

(Sexual Harassment)

(As to Plaintiff Robin Cupedro- Saccany)

70. The Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation contained herein.
71. On August 1, 2009 and henceforth the Defendant sexually harassed the Plaintiff Robin Cupedro-Saccany.
72. Plaintiff was damaged by such actions.
73. The Defendant's actions were intentional, wanton, willful, malicious, and were in conscious disregard of the rights and safety of the Plaintiff, entitling the Plaintiff to punitive damages.

CAUSE OF ACTION FOUR

(Intentional Infliction of Emotional Distress)

(As to Plaintiff Robin Cupedro- Saccany)

74. The Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation contained herein.
75. Defendant intentionally and recklessly acted in an extreme and outrageous manner so as to cause serious emotional distress to the Plaintiff.
76. Plaintiff was damaged by such actions.
77. The Defendant's actions were intentional, wanton, willful, malicious, and were in conscious disregard of the rights and safety of the Plaintiff, entitling the Plaintiff to punitive damages.

CAUSE OF ACTION FIVE

(Loss of Consortium, Support, Services)

(As to Plaintiff Theodore Saccany)

78. The Plaintiff incorporates by reference, as if fully rewritten herein, each and every allegation contained herein.
79. Plaintiff suffered a loss of consortium, support, and services, as a direct and proximate result of the Defendant's actions.
80. Plaintiff was damaged by such actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court grant them relief as follows:

- (a) An award of compensatory damages in an amount in excess of \$25,000;
- (b) An award of punitive damages in an amount that would punish Defendant for his willful, wanton, and reckless misconduct as alleged in this Complaint and that would effectively deter Defendant from future unlawful behavior;
- (d) An award of their reasonable attorney fees, costs, and pre and post judgment interest;
- (e) An Order for all other relief deemed just and equitable by the court.

Respectfully submitted,

Edward J. Heben, Jr.

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JURY DEMAND

Plaintiffs respectfully demand a trial by the maximum number of jurors allowed by law for each of the within issues which may be properly so tried.

Edward J. Heben, Jr.
Edward J. Heben, Jr. (0029052)

REQUEST FOR SERVICE

Plaintiffs hereby requests that the Defendant be served copies of Plaintiffs' Complaint with Jury Demand by certified mail. If Defendant refuses or fails to accept the aforementioned certified mail service, upon receipt of such notice, please serve the Defendant by ordinary U. S. Mail.

Edward J. Heben, Jr.
Edward J. Heben, Jr. (0029052)
Attorney for Plaintiffs

