

STATE OF NEW YORK
SUPREME COURT COUNTY OF NEW YORK

JANE DOE,

ATTORNEY AFFIRMATION

Plaintiff,

-against-

Index No. 161704/2026

CORNELL UNIVERSITY, INC., CHI PHI CHAPTER
HOUSE ASSOCIATION, CHI PHI FRATERNITY, INC.,
CHI PHI EDUCATIONAL TRUST, ALPHA BETA HOUSE
CORPORATION OF DELTA DELTA DELTA, DELTA
DELTA DELTA SORORITY, ZAREEN ENTERPRISE LLC
d/b/a MOONIES BAR & NIGHTCLUB, MATTHEW
INGALLS, JOHNATHAN NEWELL, WINSTON LEE,
GILLIO LOPES, DIEGO SARABIA, SCOTT NORRIS,
SCOTT KRETZSCHMAR, JOHN DOE (FACULTY),
JOHN DOE (ALUMNI), JOHN DOES (EXECUTIVE
BOARD), and ORAZIO PETITO,

Defendants.

JAMES C. KNOX, an attorney duly admitted to practice before the courts of the State of
New York, affirms under penalties of perjury:

1. I am a member of HACKER MURPHY, LLP, counsel for defendant DIEGO
SARABIA, and submit this Affirmation in support of the Order to Show Cause for a narrowly
tailored Order regulating extrajudicial statements by the parties and counsel, and in support of the
request for interim relief pending the return date.

2. Unless otherwise stated, the matters set forth here are based upon my personal
knowledge, my review of the filings in this action, and communications and materials maintained
in the ordinary course of this representation.

3. This action concerns allegations of sexual assault and related claims arising from events Plaintiff alleges occurred during the night of October 19, 2024, and the morning of October 20, 2024, while Plaintiff was an undergraduate student at Cornell University.

4. Plaintiff seeks damages against corporate, institutional, and individual Defendants and has demanded a jury trial.

5. The allegations are intensely sensitive and have generated substantial public attention. The Court has already found that information appearing in filed documents was used by online observers to threaten and dox a nonparty's family after an erroneous address was associated with a Defendant.

6. In its October 9, 2026 Decision and Order, the Court characterized the reported threats and doxing as dangerous internet vigilantism and cautioned that the matter was approaching a point at which malicious threats and possible physical harm could impede the legal process.

7. The Court accordingly directed the sealing of NYSCEF Documents 1, 6, 7, and 22 and ordered Plaintiff to refile redacted versions omitting the parties' purported addresses.

8. The Court further recognized that the identifying information was highly likely to have already been disseminated online, but issued its Order to mitigate the risk of harm and caution those involved to act accordingly.

9. This Order to Show Cause is brought on an expedited basis because certain counsel in this matter have been, since the inception of this case, making numerous statements in and to the media, which individually and collectively are likely to cause actual prejudice to the fair administration of justice in this case.

10. For example, almost since the filing of the Summons and Complaint in this case, the following extrajudicial statements or media communications are just some of the prejudicial statements which have been made:

i. Plaintiff's attorney, Thomas Giuffra, on October 2, 2026 stated to CBS news:

1. That Jane Doe "didn't have consent from the time she walked in the door; she was incapable of consent."
2. That during the alleged incident Jane Doe "felt like, you know, like a sex worker just being shuffled from place to place in a bit, unable to stop it."
3. That, as concerns the prior investigation into the matter, "I'm more and more convinced there was a cover-up. I mean, at first I thought it was just bumbling, but now I think there was a cover-up. I think they were worried about protecting the reputation of the university. They were protecting the big source of revenue in the county." See <https://www.cbsnews.com/news/jane-doe-attorney-incapable-consent-accuses-cornell-cover-up/> (last visited 10/9/2026).

ii. Attorney Giuffra told CNN on October 5, 2026 that:

1. Defendant Chi Phi Chapter House Association ("Chi Phi"), following the assault alleged by Jane Doe, held meetings with the intention to "cover up" what had happened;
2. That Chi Phi was only interested in "protecting the fraternity, protecting the fraternity brothers and keeping it as business as

usual – not justice.” See <https://www.tmg.com/2026/10/06/cornell-jane-doe-attorney-thomas-giuffra-blames-chi-phi/> (last visited 10/9/2026).

iii. Attorney Giuffra told CNN on September 28, 2026 that:

1. Plaintiff’s “life has been destroyed.”
2. Attending defendant Cornell University (“Cornell”) was “her dream, and it was taken away from her in a horrific fashion.”
3. Plaintiff is “barely hanging on.”
4. That Cornell forced Jane Doe to attend a semester against her will rather than give her a refund. See <https://www.cnn.com/2026/09/28/us/video/jane-doe-cornell-rape-case-attorney-speaks-out-digvid-vrtc> (last visited 10/9/2026).

iv. Attorney Giuffra told NBC news on October 2, 2026 that:

1. Jane Doe was presently “hanging on by a string.”
2. “This has upended her life in such a tragic way.” See <https://www.facebook.com/NBCNews/videos/28482963761312778/> (Last visited 10/9/2026).

v. Attorney Giuffra told CBS news on October 8, 2026 that:

1. “Jane Doe is fearless.”
2. “She always was interested in trying to make things better for other women, so there’s no more Jane Does.”
3. Jane Doe was subjected to the “most incredible sequence of failures” by defendant Cornell and law enforcement.

4. “It’s been the most incredible sequence of failures I’ve seen in my 30-plus years of practice. I mean it’s not just one thing. I can’t keep them straight half the time because there are so many. I mean, you have a failure everywhere along the line, everywhere.”
5. As concerns an alleged group chat referenced in the complaint, that “I don’t care what their defense lawyers say. I don’t care what the university says. That is the classic gun. It’s like a body on the ground, a smoking gun. That’s that Snapchat.” See <https://abcnews.com/US/attorney-jane-doe-facing-threats-calls-alleged-failures/story?id=137078550> (last visited 10/9/2026).
- vi. Attorney Giuffra told People on October 5, 2026 that:
 1. Concerning the members of Chi Phi, “The minute these guys knew they were in trouble, they started deleting everything, they started dumping things. Any of this evidence other than that group chat is in the bottom of [Cayuga Lake].” See <https://www.yahoo.com/news/us/articles/jane-doe-lawyer-fears-evidence-202431197.html> (last visited 10/9/2026).
- vii. Attorney Giuffra told CNN on October 4, 2026 that:
 1. “We have apologies in various emails [from individual defendants]”
 2. Police “had evidence of a crime” from plaintiff.
 3. “In this case there really was a coverup” by Cornell and police.

4. "I'm confident knowing this day and age and the group that we're dealing with that there were other photos, there were videos, and you know where I think those photos and videos are now? They're in the bottom of Lake Cuyahoga, because once they knew there was a problem they cleared everything out and got rid of it."
5. "The investigators let that [destruction of evidence] happen."
6. "I'm not even sure we have everybody who participated in this assault because [Jane Doe] was blacked out during periods of time and that's reported in these statements. We don't even know – the people we have are the people we definitively know. If you ask me, I believe there were more." See
<https://www.cnn.com/audio/podcasts/state-of-the-union-with-jake-tapper> "Presidential Polls and Controversies: The Economy Under Scurtiny," at minute 16:00 - 20:06 (Last visited 10/9/2026).

11. These statements by Attorney Giuffra are not a full catalogue of press statements and media and television interviews which he has undertaken. They are but a limited set of examples. A full cataloguing of the media tour he has engaged in would be far lengthier than necessary to establish the potential risks these statements are incurring upon the fair administration of justice in this case and upon the parties.

12. The statements have resulted in or coincided with the following threats, harassment, publicity, or risk of prejudice to our client, and more generally, all defendants.

13. Statements such as the above deliberately publicize plaintiff's perspective, view of the facts, and interpretation of the evidence.

14. All such statements were disseminated by means of public communication and have a substantial likelihood of materially prejudicing prospective jurors in any trial in this matter.

15. Attorney Giuffra has made statements related to the credibility, character and reputation of multiple defendants to this lawsuit, including the individual defendants, the fraternity defendants and the school defendants.

16. The requested relief does not seek to restrain the press, close court proceedings, or prevent public access to judicial documents that remain publicly available. It is directed only to participating attorneys and parties whose public communications can be regulated without prohibiting neutral procedural information or communications necessary to litigate the action.

17. The proposed Order tracks the material-prejudice standard governing participating attorneys and preserves the categories of statements permitted by Rule 3.6.

18. A restriction confined to statements presenting a substantial likelihood of material prejudice, nonpublic discovery material, personal identifying information, and communications encouraging harassment is necessary because of the expansive and extensive media campaign which plaintiff's counsel has engaged in to advertise, publicly advocate for, and to disseminate his client's position and perspective in the media.

19. Plaintiff's counsel has been trying his case in the media since filing the lawsuit, and reporting indicates that this was deliberate and planned. Reporters from the Cornell Sun, which has reported on this case from the outset, disclosed to CNN that they coordinated with Jane Doe and her attorneys *before* this lawsuit was filed. See <https://www.cnn.com/2026/09/29/us/video/ebof-cornell-university-rape-allegations-cornell-daily-sun-reporter-editor-in-chief> ["I was able to communicate with Jane Doe and her lawyers,"

Cereese Qusba, Cornell Daily Sun Senior Editor, referencing a time before the lawsuit was filed.]
(last visited 10/9/2026).

20. In short, plaintiff's attorney's media blast was not merely an organic result of inquiry, but has been an orchestrated campaign from the outset.

21. Interim relief is warranted pending the return date because there appears to be no end to plaintiff's ongoing media campaign. The case is in its infancy. Certain parties have yet to even appear. No answers or responsive motions to the complaint have been filed and no discovery has been commenced.

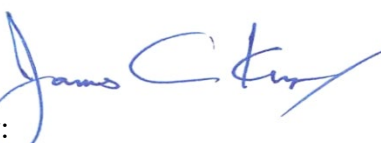
22. Further similar media appearances by parties or their counsel risks further prejudice to the adjudicative process.

23. No prior application for the relief requested herein has been made.

WHEREFORE, defendant Diego Sarabia respectfully requests that the Court sign the Order to Show Cause, schedule a return date, and, upon the return thereof, enter the accompanying proposed Order.

Dated: October 9, 2026

HACKER MURPHY, LLP

By: 

James C. Knox

Attorneys for Defendant Diego Sarabia

Office & P.O. Address

22 Corporate Woods Boulevard, Suite 404

Albany, NY 12211

Telephone: 518-274-5820

By: 

Alishah Bhimani
Attorneys for Defendant Diego Sarabia
Office & P.O. Address
22 Corporate Woods Boulevard, Suite 404
Albany, NY 12211
Telephone: 518-274-5820