



## HACKER MURPHY

— LLP —

October 15, 2026

**Via NYSCEF**

Hon. Phaedra F. Perry-Bond, J.S.C.  
Supreme Court, New York County  
IAS Part 35  
60 Centre Street, Courtroom 252  
New York, NY 10007

**Re: Jane Doe v. Cornell University, Inc., et al., (Index No. 161704/2026)**

Dear Judge Perry-Bond:

Please accept this letter as a brief reply to plaintiff's opposition to Defendant Diego Sarabia's proposed order to show cause and accompanying request for temporary injunctive relief filed yesterday evening. Although such a reply ought to, in the ordinary course, be unnecessary, certain misstatements made by Attorney Giuffra cannot be permitted to pass without some comment.

At the outset, it must be stated that neither our office nor our client has ever provided any statement or documents to any media outlet. Attorney Giuffra's assertions to the contrary are factually incorrect, needlessly inflammatory, and constitute the latest effort to blur the distinctions among defendants by attributing to Defendant Sarabia conduct that he neither engaged in nor endorsed.

It is also important to note what Attorney Giuffra's letter does not say. While making note that he "was overseas" [emphasis in original]<sup>1</sup> at the time the lawsuit was first reported in the media, Attorney Giuffra does not deny coordinating with the Cornell Sun before the lawsuit was commenced.

On September 28, 2026, Attorney Giuffra appeared (virtually) on CNN's The Lead and stated the following:

"I was involved with this case early on, and I was surprised that she never heard from any investigators."<sup>2</sup>

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<sup>1</sup> One cannot but wonder, especially in the age of the internet and global telecommunications, what significance Mr. Giuffra assigns to being overseas on the issue of his rampant communication with the media before, after, and around that date.

<sup>2</sup> <https://www.cnn.com/2026/09/28/us/video/jane-doe-cornell-rape-case-attorney-speaks-out-digvid-vrtc> (last accessed October 15, 2026)

Further, in “The Cornell Seven: IMPACT x Nightline” documentary series available on Hulu streaming service<sup>3</sup>, Cereese Qusba and Sophia Dasser from the Cornell Sun confirmed, in Episode 1, that they were in contact with Jane Doe and her attorneys prior to the filing of the lawsuit (presumably before Attorney Giuffra’s overseas sojourn) and were one of two news outlets that reported the story on the day it was filed, according to plaintiff’s own account.

On September 29, 2026, Ms. Qusba appeared on CNN’s Erin Burnett OutFront, and stated the following:

“So I started to look into this and I was able to get in contact with Jane Doe and communicate with her and her lawyers as well . . . and get some background so when the lawsuit was filed, we were really prepared because we had this all this background information and had been communicating with the sources for a really long time.”<sup>4</sup>

In other words, Attorney Giuffra and/or plaintiff’s other attorneys worked hand in glove with the Cornell Sun to launch the story upon filing her lawsuit, his overseas travel notwithstanding.

Of course, this pre-filing coordination was merely the groundwork for the long series of objectionable and prejudicial statements plaintiff’s counsel then began making to the media. Again most notable by its absence, Attorney Giuffra makes no defense of the propriety of any of his particular public statements noted in defendant’s application, nor does he contend that they are not prejudicial. Instead, Attorney Giuffra’s letter attempts to justify his media tour by pointing to statements of other attorneys, or by speculating about the actions of the parties and others, including impugning certain attorneys about their supposed conduct in an entirely different case.

Attorney Giuffra expends much ink referencing other cases he has been involved in, including by mentioning the name Sean “Diddy” Combs eleven times, as though his other work is somehow relevant to the present issue. It is not.

What is relevant here are the particular prejudicial statements he has made and disseminated widely and without hesitation to the news media in this case.

Confusingly, Attorney Giuffra attempts to defend his present actions by accusing attorneys Mark Geragos and Teny Geragos of engaging in a supposed conspiracy to manipulate the media in a completely different case. He appears to do this with no evidence, operating on pure speculation. He baselessly attacks their reputation to justify his indisputably inappropriate and extensive media hits in this case.

Notably, Ms. Geragos has demanded that Attorney Giuffra withdraw his letter and, with her permission, we have attached her email from earlier today in which she specifically refutes his speculative accusations. It is included herewith to assist the Court in evaluating the credibility of the various other unsupported assertions that Attorney Giuffra has made in his letter response.

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<sup>3</sup> <https://www.hulu.com/series/the-cornell-seven-impact-x-nightline-f95cd61f-2b50-4806-afd2-0cf4b6051eb4> (last accessed October 15, 2026).

<sup>4</sup> <https://www.cnn.com/2026/09/29/us/video/ebf-cornell-university-rape-allegations-cornell-daily-sun-reporter-editor-in-chief> (last accessed on October 15, 2026).

Similarly, it is hoped that it will aid the Court in understanding that plaintiff's counsel appears to know few bounds when making inflammatory and prejudicial statements.

Despite Attorney Giuffra's assertion that defendants "do not want a level playing field in the public eye," that is exactly what defendants want. Notably, Attorney Giuffra is the only party in this case who is completely opposed to the relief Mr. Sarabia now seeks.

It is also worth noting that plaintiff's opposition is premised on a fundamental misreading of the relief sought. Repeatedly, counsel argues that the proposed Order would prohibit parties from filing documents with the Court, submitting evidence, discussing matters necessary to litigate the action, or otherwise advancing their claims and defenses through ordinary motion practice. It would do none of those things. The proposed Order expressly excludes statements made in open court and in papers properly filed with the Court, as well as communications reasonably necessary to investigate, prosecute, defend, or resolve this action. Plaintiff's repeated assertions that the proposed relief would prevent parties from presenting evidence to the Court or filing necessary pleadings therefore attack restrictions that do not exist in the proposed Order. This application is not an attempt to impede litigation; it is an attempt to ensure that the litigation occurs where it belongs, in the courtroom, rather than through an ongoing public relations campaign conducted through television appearances, newspapers, podcasts, and social media.

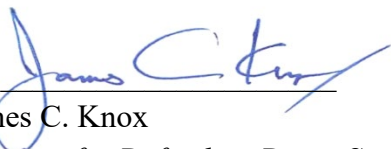
Plaintiff's criticism of the proposed carve-outs under Rule 3.6 of the New York Rules of Professional Conduct is similarly misplaced. The proposed Order expressly preserves counsel's ability to make statements authorized by Rule 3.6(c) and further permits statements authorized by Rule 3.6(d) when reasonably necessary to respond to prejudicial publicity not initiated by the attorney or client. What the Order does not permit is the transformation of Rule 3.6(d)'s narrow safe harbor into a limitless license to conduct serial media appearances, repeatedly advocate disputed facts, opine on witness credibility, characterize evidence, accuse parties and nonparties of criminal conduct, and otherwise litigate the merits of the case in the press. Rule 3.6(d) authorizes a limited reply reasonably necessary to mitigate prejudice; it does not authorize an unrestricted media campaign. Plaintiff's opposition conflates those two concepts and, in doing so, confirms precisely why narrowly-tailored relief is necessary here.

Mr. Giuffra's wild assertions – about the defendants in this case, about his client, and about other attorneys – all go to show that the only way to achieve a level playing field is through a Court order that reasonably restricts the attorneys and parties from engaging in such unbridled salacious and prejudicial public media hits. Accordingly, Mr. Sarabia respectfully requests the Court grant the requested relief.

Respectfully submitted,

HACKER MURPHY LLP

By:

  
James C. Knox

*Attorney for Defendant Diego Sarabia*

By:

  
Alishah Bhimani

*Attorney for Defendant Diego Sarabia*

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