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'Project Runway' Weinstein Survivor Files Damages Suit

By **Lauren Berg**

Law360 (October 30, 2020, 10:40 PM EDT) -- A former production assistant on "Project Runway" who testified at convicted rapist Harvey Weinstein's trial earlier this year filed suit on Friday against the fallen Hollywood mogul in New York federal court.

Miriam Haley — whose testimony that Weinstein **sexually assaulted** her on two occasions in 2006 helped persuade a **jury to convict** the former producer of rape and sexual assault — said she had lived with the horror of Weinstein's sexual predation for years and now seeks damages for the physical, emotional and psychological injuries she suffered, according to the complaint.

Her suit, which asserts claims of battery, assault and a violation of New York City's Gender Motivated Violence Protection Act, only seeks damages related to the first assault that took place in Weinstein's SoHo apartment.

"Although Harvey Weinstein was convicted of criminal sexual assault against me, he has completely failed to acknowledge his criminal misconduct," Haley said in a statement to Law360 on Friday evening. "To the contrary, he has shown no sign of true remorse and is now appealing his conviction. I feel he should be held fully accountable."

Weinstein's attorney, Imran H. Ansari of Aidala Bertuna & Kamins, told Law360 on Friday that the defense was not surprised that Haley has filed a civil lawsuit, saying a lawsuit and monetary gain were motivating factors in her testimony at the criminal trial. But he said Haley faces an uncertain financial recovery as Weinstein's financial state is "far from healthy, as not only has his personal liberty been taken from him, but his financial liberty as well."

"Mr. Weinstein will vehemently defend against Ms. Haley's claims," Ansari said. "He will vigorously seek discovery and depositions, so as to defend against and counter the salacious allegations made against him — allegations that he has categorically denied since day one."

In her testimony earlier this year, Haley said Weinstein would be "charming" and professional in one encounter and force himself violently on her at the next.

"He came towards me and lunged at me, trying to kiss me," Haley said of the first incident, at the former producer's apartment. "I got up from the sofa and said, 'Oh, no, no, no.'"

The "heavysset" producer backed the 5-foot-5, 110-pound aide into a dimly lit bedroom that had "children's drawings on the walls," the woman testified, pushing her onto a bed and holding her arms and body down with his weight. Haley said Weinstein forced oral sex on her while she was menstruating, adding that he ripped out her tampon.

"And he said, 'No, stay like that.' I said, 'No, no,' and started realizing what was actually happening," Haley said. "I'm being raped."

"Obviously, Mr. Weinstein has a lot more power and resources and connections," said Haley, who grew up in Sweden and lives in London. She explained that she feared going to the police because she had worked on the fashion-themed reality show without a visa. "I don't think I would stand a

chance."

Later that month, Haley said, she was lured into a meeting that she expected to be in a public area of a hotel, but was instead sent upstairs to Weinstein's room. When the door opened, Weinstein immediately grabbed her and pulled her onto a bed, Haley said.

"He had intercourse with me," Haley testified, breaking down in tears.

Haley told the jury she tried to maintain a professional relationship with Weinstein despite his advances and even after the assaults.

Now, following Weinstein's conviction and **sentence of 23 years** behind bars, Haley is filing a civil suit. She said the former producer's attacks "scarred her deeply, mentally and emotionally."

"It stripped her of her dignity as a human being and as a woman," according to the suit. "It crushed her confidence and faith in people and in herself."

Once she was identified as a survivor and someone willing to testify at the criminal trial, Haley said, she "faced excruciating stress" and feared retaliation. And testifying in court was "nerve-wracking and terrifying," she said.

Haley's suit describes instances leading up to the assaults in which Weinstein repeatedly pressured her to go on a trip to Paris with him, barged into the apartment she shared with a roommate, and asked her to go to a film premiere in Los Angeles.

Soon after, Haley said, Weinstein assaulted her in his SoHo apartment, an attack she later **reported to her roommate**, and then again at a hotel in Tribeca.

"She did not want to have sex with Weinstein and never voluntarily consented to his touching; she later blamed herself for not actively resisting," according to the complaint.

The suit only asserts claims related to the assault in Weinstein's apartment; it doesn't include claims related to the second assault in the hotel. It seeks compensatory and punitive damages as well as attorney fees.

Other women who haven't settled their sexual misconduct allegations against Weinstein are battling against the Chapter 11 plan disclosure statement in Delaware bankruptcy court for Weinstein's movie studio, saying it **devalues their claims**. The women say the plan values their claims at \$1 each and is a clear attempt to diminish their voting power when the plan is solicited for acceptance by creditors.

The former movie mogul was also recently hit with six **new rape charges** in connection with three alleged attacks at a Beverly Hills hotel more than a decade ago, in addition to the **five charges** of rape and sexual assault he already faces in the Tinseltown case that now involves five accusers in crimes spanning from 2004 to 2013, prosecutors said.

It is still unclear when Weinstein could be moved or extradited to Los Angeles County, but at a **brief hearing** in New York in August, the producer signaled that he might ask Gov. Andrew Cuomo to stop his extradition to Los Angeles. Weinstein told the judge he would likely argue that transferring to Los Angeles amid current COVID-19 levels in California would violate the state's duty to care for his health and safety.

Haley is represented by Mariann Meier Wang and John R. Cuti of Cuti Hecker Wang LLP and Gloria Allred of Allred Maroko & Goldberg.

Weinstein is represented by Imran H. Ansari of Aidala Bertuna & Kamins.

The suit is Miriam Haley v. Harvey Weinstein, case number 1:20-cv-09109, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Frank G. Runyeon, Vince Sullivan and Craig Clough. Editing by Peter Rozovsky.

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