

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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BENJAMIN TORRES Individually and as  
sole heir of the estate of Valerie Mack,  
Plaintiff,

**VERIFIED COMPLAINT**

-against-

REX HEUERMANN, ASA ELLERUP, and  
VICTORIA HEUERMANN,  
Defendants.

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Plaintiff Benjamin Torres, individually and as sole heir of the Estate of Valerie Mack, by  
his attorney John Ray, alleges as follows:

**PRELIMINARY STATEMENT, PARTIES, AND JURISDICTION**

1. Plaintiff Benjamin Torres is the biological son and sole heir of Valerie Mack and brings this action individually and as sole heir of Valerie Mack, deceased.
2. At the time Valerie Mack disappeared and was murdered in or about 2000, Plaintiff Benjamin Torres was a very young child age six. Because his mother Valerie Mack was murdered, Plaintiff Benjamin Torres was deprived of his mother's care, guidance, protection, nurture, society, and economic support.
3. Immediately preceding Valerie Mack's murder, Valerie Mack was tortured ferociously, and her body was dismembered.
4. This action seeks recovery for the wrongful torture and murder of Valerie Mack, for the terror, restraint, pain, mutilation, and dismemberment inflicted upon her before and after death, for the concealment and mutilation of her remains, and for the profound and prolonged harm thereby inflicted upon Plaintiff. Plaintiff also seeks recovery from

Defendants of the monies they were given to exploit the slaughter of Plaintiff and to publically attenuate Defendant Rex Heuermann's atrociousness via media exploitation.

5. Decedent Valerie Mack was born Valerie Lyn Fulton. She later was adopted by the Mack family and became known as Valerie Mack.
6. Valerie Mack is the mother of Plaintiff Benjamin Aaron Torres.
7. Valerie Mack disappeared from Pennsylvania in or about 2000 while Plaintiff was still a child.
8. At or about the time of her disappearance, Valerie Mack bore distinctive identifying features, including a tattoo bearing or referencing Plaintiff's name on or near her foot or ankle.
9. At all times, Defendant Rex Heuermann resided in Suffolk County, New York.
10. Upon information and belief, Defendant Asa Ellerup was the wife of and resided with Defendant Rex Heuermann at their residence at 1<sup>st</sup> Avenue, Massapequa Park, NY during the relevant time period and had regular access to the residence and its contents.
11. Upon information and belief, Defendant Victoria Heuermann was and is the daughter of Rex Heuermann and Asa Ellerup and resided in the same household as Co-Defendants during relevant periods and likewise had access to the residence and its contents.
12. "John Doe", Payors/Contributors, of funds to Defendants 1 through 10 including "Peacock" are persons and/or entities whose true identities are not yet known to Plaintiff. Upon information and belief, said persons or entities paid or promised to pay the Defendants money, licensing fees, appearance fees, production fees, option payments, consulting fees, or other compensation for the Defendants derived from the crimes, the crimes' concealment, or their notoriety.

13. Venue is proper in Suffolk County because substantial events giving rise to the claims occurred in Suffolk County, including the discovery of Valerie Mack's remains in Manorville and along Ocean Parkway, near Gilgo Beach and Oak Beach in New York.
14. This Court has subject matter jurisdiction over the common-law and statutory claims asserted herein.
15. Plaintiff will expeditiously obtain or confirm probate authority sufficient to prosecute estate claims on behalf of Valerie Mack. Nothing in this complaint is intended to waive Plaintiff's individual claims, which are independently asserted herein.

### DETAILED FACTUAL ALLEGATIONS

16. On or about November 19, 2000, hunters in a wooded area of Manorville, Suffolk County, discovered black plastic bags containing a partial human body.
17. Those remains were later identified as belonging to Valerie Mack.
18. Valerie Mack's body had been brutally dismembered. She had been decapitated, both hands had been severed above the wrists, and her right leg had been cut off at approximately the mid-calf.
19. Valerie Mack's torso, legs, and arms had also been bound with rope.
20. At the Manorville scene in 2000, Valerie Mack's head, hands, and right foot were not recovered.
21. On or about April 4, 2011, additional remains of Valerie Mack - specifically her skull, hands, and right foot - were discovered along Ocean Parkway, east of Gilgo Beach, and near Oak Beach Suffolk County, New York.

22. Valerie Mack's body was not recovered from a single location. Some of her remains were found in Manorville in 2000 as aforesaid, while other portions - including her skull, hands, and right foot as aforesaid - were found along Ocean Parkway in 2011.
23. Upon information and belief, the killer's splitting of Valerie Mack's remains between Manorville and Ocean Parkway was deliberate and was intended, amongst other reasons to hinder identification, impede investigation, and conceal the identity of the killer and any accomplices.
24. Upon information and belief, the torture, murder and dismemberment of Valerie Mack was carried out for ritualistic and demonic purposes.
25. Upon information and belief, the placing of some of Valerie Mack's body parts along Ocean Parkway was intended so that Defendants would be enabled to re-visit those body parts for ritualistic and demonic, perverse purposes.
26. Upon information and belief, Defendants did revisit Valerie Mack's body parts.
27. Upon information and belief, body parts of Valerie Mack remain missing.
28. Because Valerie Mack had been dismembered and her identifying body parts were removed and separated, her identity remained unknown for many years.
29. Law enforcement authorities referred to Valerie Mack for years as 'Jane Doe No. 6' or a similar unidentified designation.
30. Valerie Mack was not identified until approximately May 2020, after the application by law enforcement authorities of modern DNA testing and forensic genetic genealogy.
31. Before Valerie Mack's identification, Plaintiff lacked any reliable way to confirm whether his mother was alive or dead, where her remains were, or who was responsible for her disappearance.

32. Even after Valerie Mack was identified in 2020, the identity of her alleged killer was not publicly charged until years later.
33. Defendant Rex Heuermann was publicly charged in connection with the murder of Valerie Mack in or about December 2024.
34. Plaintiff therefore did not possess a reasonable factual basis to sue Defendants specifically until well after the underlying crimes and concealment had already frustrated ordinary statute of limitations periods.
35. Suffolk County prosecutors have publicly alleged that Defendant Heuermann committed a pattern of serial tortures and homicides involving the targeting of petite women, the use of controlled environments, the restraint and torture of victims, and the dismemberment and disposal of remains in multiple locations, including along the south side of Ocean Parkway in Suffolk County, New York and Nassau County, New York.
36. Publicly-filed criminal documents further allege that a torture and murder planning document was recovered by law enforcement authorities from electronic media associated with Defendant Heuermann.
37. Upon information and belief, that planning document included references to, among other things, “DS-1, Mill Rd,” “SMALL IS GOOD,” “HOLDING AREA,” “BUILD TABLE,” “CROSS BAR,” “HARD POINT,” “PACKAGE FOR TRANSPORT,” “REMOVE HEAD AND HANDS,” “REMOVE ID MARKS [TATOOS],” “DISTROY COMPUTER FILES,” and “HAVE STORY SET.”
38. Those instructions and references correspond in striking ways to the condition and disposal of Valerie Mack's remains, including the use of Mill Road/Manorville and

- Ocean Parkway as separate disposal areas, decapitation and removal of hands, and the removal of identifying body parts associated with tattoo markings.
39. Witnesses familiar with Valerie Mack have reported that she had a tattoo on or near her foot or ankle referencing her son Benjamin, and the removal and separate disposal of her right lower leg and foot is consistent with an effort to delay or prevent identification.
40. Upon information and belief, the planning document was not merely fantasy or passive musing but a practical checklist and/or operational blueprint for torture, homicide, dismemberment, concealment, and evasion.
41. Public reporting and law-enforcement statements also describe a secured, vault-like or reinforced room with a large metal door within the Heuermann residence, lower floor.
42. Upon information and belief, that secured interior area existed for an extended period of time and was used for, and was capable of harboring secretive, violent, unlawful activity within the home.
43. Public reporting has further described homicide-related materials within the residence, including a publication known as "Death Scenes: A Homicide Detective's Scrapbook" containing gruesome photos of murdered, tortured women, some dismembered, amongst other gruesome death photos, visible in a common area or on a table during or following the execution of search warrants.
44. Upon information and belief the aforesaid publication is reputed to be a reference book utilized by Satanists and Satanist cults.
45. The presence of such materials, together with the planning document, the secured interior space, and the duration of the alleged crimes, supports a reasonable inference that the home contained observable indicators of violent and unlawful activity.

46. Upon information and belief, the nature, duration, and repetition of the conduct alleged herein make it highly improbable that the other household occupants remained wholly unaware of unusual, suspicious, secretive, criminal conditions and conduct against victims, including Plaintiff, within the residence over the relevant years.
47. Upon information and belief, Asa Ellerup continuously occupied the residence during much of the period in which these conditions existed and had regular access to the room with the metal door, the common areas, basement areas, furnishings, utilities, and household items.
48. Upon information and belief, Victoria Heuermann likewise continuously occupied the residence during much of the period in which these conditions existed and had access to the residence, household effects, room with metal door, and spaces from which forensic evidence and murder and torture planning materials were later recovered.
49. Publicly-filed criminal documents allege that a female hair found upon Valerie Mack's remains is astronomically more likely to have originated from a person genetically identical to Victoria Heuermann than from an unrelated individual.
50. Publicly-filed criminal documents also allege that additional hair evidence associated with Asa Ellerup was linked to other victims in the same pattern of murders.
51. The recurring appearance of household-associated hair evidence across multiple victims provides a direct forensic basis to infer that the hair owners within the residence had knowledge of, access to, or involvement in the commission, aftermath, or concealment of the crimes.
52. Upon information and belief, one or both of Defendants Asa Ellerup and Victoria Heuermann at some point in time knew of, concealed, deliberately ignored, or

consciously avoided learning of material facts concerning the assault, murder, dismemberment, concealment, and disposal of Valerie Mack.

53. Upon information and belief, one or both of Defendants Asa Ellerup and Victoria Heuermann also knew of, or facilitated, or participated in, concealment of Valerie Mack's remains, and deliberately ignored, or consciously avoided learning of material facts concerning the concealment of Valerie Mack's identity and participated in the concealment of the identity of her killer.
54. Plaintiff expressly pleads, upon information and belief that the conduct of Asa Ellerup and Victoria Heuermann may have ranged from substantial assistance and concealment to direct participation in such concealment. Plaintiff does not waive any theory of liability by pleading such alternatives.
55. Upon information and belief, Asa Ellerup and/or Victoria Heuermann created, edited, or reviewed the torture/homicide-planning materials aforesaid, and provided same to Rex Heuermann.
56. Upon information and belief, Asa Ellerup and/or Victoria Heuermann had access to, or maintained, or cleaned the basement and vault-like area; and would have observed unusual restraints, materials, odors, stains, or activity.
57. After Rex Heuermann's arrest and the resulting public attention, Asa Ellerup and Victoria Heuermann gave or authorized public interviews, appearances, and access to themselves and their home concerning the crimes, the residence, and their claimed knowledge or lack of knowledge thereof.
58. Upon information and belief, Asa Ellerup publicly defended Rex Heuermann and stated words to the effect that he was not capable of the murders when she knew otherwise, and

stated that he remained her hero, in order to mislead the public and law enforcement and to encourage Rex Heuermann in maintaining his innocence.

59. Upon information and belief, Victoria Heuermann later publicly acknowledged that her father most likely committed the murders, and later declared words to the effect that his commission of the aforesaid atrocious acts was merely “kink” behavior, which she refused to condemn, when she reportedly claimed that she would not engage in “kink shaming” Rex Heuermann.
60. Upon information and belief, these public statements, were also meant to generate media attention so that Co-Defendants could generate compensation from media and the public.
61. Upon information and belief, Asa Ellerup and Victoria Heuermann entered into one or more agreements with Peacock and/or other media companies, producers, contributors, or distributors relating to interviews, access, the Heuermann residence, story rights, archival materials, consulting, production participation, or other exploitation of the notoriety arising from these torture/murders.
62. Upon information and belief, Asa Ellerup and Victoria Heuermann received or will receive substantial funds as a result of those agreements, the precise amount of which is presently unknown.
63. It would be inequitable for Co-Defendants who knew of, concealed, or profited from the crimes and their aftermath to retain funds derived from the same aforesaid atrocities while Valerie Mack's son and estate remain uncompensated, penniless.

## TOLLING, DELAYED ACCRUAL, AND TIMELINESS

64. The acts described herein were concealed for years through dismemberment, the removal of identifying features, the separation of Valerie Mack's remains across Manorville and Ocean Parkway, and the withholding or non-disclosure of material facts.
65. The removal of Valerie Mack's tattoo-bearing foot or lower leg, the removal of her hands and head, and the separation of those body parts from the rest of her remains delayed identification and impeded Plaintiff's ability to discover both the wrong and the wrongdoer.
66. Such concealment persisted from the time of Valerie Mack's death, through the 2000 Manorville discovery, through the 2011 Ocean Parkway discoveries, through the years in which she remained unidentified, and through the later criminal charging of Rex Heuermann.
67. Plaintiff did not, and could not through reasonable diligence, discover the full nature of the tortious conduct, the identity of Valerie Mack, the identity of the responsible party or parties, and the existence of his sepulcher-based injuries until well after the events themselves.
68. Plaintiff was a minor when Valerie Mack disappeared and he remained incapable, during his infancy, of independently investigating or litigating these claims.
69. Any otherwise applicable statute of limitations is tolled, extended, or rendered timely by one or more of the following: infancy; fraudulent concealment and equitable estoppel; delayed accrual principles applicable to the right of sepulcher; and statutory extensions tied to the commencement and/or termination of the related criminal proceedings.

70. Plaintiff further alleges that Defendants should be estopped from asserting a statute-of-limitations defense because their own concealment, mutilation, misinformation, or withholding of material facts caused the delay they now may seek to exploit.
71. Plaintiff also alleges that his right-of-sepulcher claim accrued no earlier than the point at which he became meaningfully aware of the interference with Valerie Mack's remains and suffered the resulting mental anguish.
72. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.

## I

### WRONGFUL DEATH AGAINST REX HEUERMANN

73. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.
74. Defendant Rex Heuermann, engaged in intentional, wrongful, unlawful, and tortious conduct that caused the death of Valerie Mack.
75. Such conduct included, upon information and belief, the targeting, abduction, restraint, assault, torture, mutilation, and killing of Valerie Mack.
76. As a direct and proximate result of that conduct, Valerie Mack died.
77. As a direct and proximate result of Valerie Mack's death, Plaintiff sustained pecuniary injuries recoverable under New York law, including but not limited to the loss of parental guidance, care, nurture, support, advice, services, and assistance.
78. The Estate is also entitled to recover funeral and burial-related expenses and such other wrongful-death damages as the law allows.

79. The conduct described was willful, wanton, malicious, and in reckless disregard of human life, warranting punitive damages, and attorneys' fees, costs and disbursements.

## II

### DELIBERATE TORTIOUS INFLICTION OF CONSCIOUS PAIN AND SUFFERING TO VALERIE MACK PRIOR TO DEATH AGAINST REX HEUERMANN

80. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.

81. Before her death, Valerie Mack consciously experienced terror, apprehension, restraint, physical injury, pain, suffering, and mental anguish as a result of Defendant Rex Heuermann's conduct.

82. Upon information and belief, Valerie Mack was unlawfully held, controlled, restrained, and subjected to violent physical acts by Defendant Rex Heuermann before she was killed.

83. The Estate of Valerie Mack is entitled to recover survival damages for Valerie Mack's conscious pain and suffering, fear of impending death, and related injuries sustained before death, and attorneys' fees, costs and disbursements.

## III

### ASSAULT AGAINST REX HEUERMANN

84. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.

85. Defendant Rex Heuermann intentionally placed Valerie Mack in imminent apprehension of harmful or offensive bodily contact.

86. Such assault was a substantial factor in causing Valerie Mack's pre-death fear, terror, and mental suffering.
87. the Estate is entitled to recover the resulting survival damages, punitive damages plus attorneys' fees, costs and disbursements.

#### IV

### BATTERY AGAINST REX HEUERMANN

88. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.
89. Defendant Rex Heuermann intentionally and without consent subjected Valerie Mack to harmful and offensive bodily contact.
90. Such battery caused severe bodily injury, mutilation, dismemberment, and death.
91. The Estate is entitled to recover the resulting survival damages and punitive damages, attorneys' fees, costs and disbursements.

#### V

### FALSE IMPRISONMENT / UNLAWFUL RESTRAINT AGAINST REX HEUERMANN

92. Plaintiff repeats and realleges each and every preceding allegation as if fully set forth herein.
93. Upon information and belief, Defendant Rex Heuermann intentionally confined or restrained Valerie Mack without consent and without lawful privilege.

94. Valerie Mack was conscious of such confinement or restraint and was harmed thereby.
95. The Estate is entitled to recover the resulting survival damages, punitive damages, attorneys' fees, costs and disbursements.

## VI

### INTERFERENCE WITH RIGHT OF SEPULCHER

96. As Valerie Mack's son and next of kin, Plaintiff possessed a common-law right to the immediate possession of Valerie Mack's body for preservation and burial once her remains could have been identified and recovered.
97. Defendant Rex Heuermann violated that right by mutilating Valerie Mack's body, severing and withholding body parts, removing identifying features, separating her remains across Manorville and Ocean Parkway, and upon information and belief Rex Heuermann, Asa Ellerup and Victoria Heuermann were at other subsequent times otherwise concealing, delaying, frustrating, and interfering with the recovery and intact possession of her remains.
98. The interference with Valerie Mack's remains was unauthorized, extreme, intentional, and unlawful.
99. As a direct and proximate result, Plaintiff suffered and continues to suffer severe mental anguish, grief, trauma, and emotional distress distinct from the grief inherent in Valerie Mack's death itself.
100. Plaintiff is entitled to recover compensatory and punitive damages for interference with the right of sepulcher, and attorneys' fees, costs and disbursements.

VIIAIDING AND ABETTING / CONCERTED ACTION

101. Plaintiff repeats and realleges each and every preceding allegation in cause of action VI as if fully set forth herein.
102. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann had actual knowledge of material facts concerning the wrongful conduct against Valerie Mack and/or consciously avoided such knowledge despite abundant indicators of violent criminal activity.
103. Upon information and belief, Asa Ellerup and Victoria Heuermann substantially assisted or encouraged, facilitated, enabled, concealed, or helped continue that wrongful conduct and/or the concealment of its aftermath.
104. Such assistance includes, upon information and belief, one or more of the following: providing access to or control over premises; helping maintain a controlled environment in which violence or concealment could occur; participating in or assisting the handling, storage, movement, cleaning, concealment, or explanation of evidence or spaces; helping maintain or create cover stories or alibis for Rex Heuermann; failing to disclose material information despite knowledge and opportunity to do so; and participating in the concealment and/or monetization of the crimes and their aftermath.
105. Upon information and belief, the assistance rendered by Asa Ellerup and Victoria Heuermann was a substantial factor in enabling the underlying torts or in enabling the concealment thereof that prolonged Plaintiff's injuries and delayed suit.

106. By reason of such aiding and abetting and/or concerted action, Asa Ellerup and Victoria Heuermann are jointly and severally liable for the underlying torts, and for damages to be determined by the trier of fact, and for punitive damages and attorneys' fees, costs and disbursements.

## VIII

### CIVIL CONSPIRACY / COMMON SCHEME IN FURTHERANCE OF

#### UNDERLYING TORTS

107. Plaintiff repeats and realleges each and every preceding allegation in causes of action V, VII and as if fully set forth herein.

108. Upon information and belief, Defendants entered into an agreement, whether express or tacit, to facilitate, assist, conceal, or profit from the wrongful acts set fourth in causes of action VI and VII, alleged herein.

109. In furtherance of that agreement, Asa Ellerup and/or Victoria Heuermann committed overt acts including but not limited to: creating or delivering to Rex Heuermann planning materials; providing or controlling the premises; withholding information; assisting with concealment of evidence, remains, or body parts; maintaining alibis or cover stories; and publicly or privately advancing false, incomplete, or misleading narratives regarding knowledge of the crimes.

110. Plaintiff pleads this count as a derivative theory intended to connect the actions of separate Defendants to the underlying actionable torts and as an alternative basis for joint and several liability to the fullest extent New York law permits.

111. The factual conspiracy allegations nevertheless are also deemed incorporated into, and supportive of, the other causes of action VI, VII and VIII herein.

## IX

### INTENTIONAL INFLICTION OF EXTREME EMOTIONAL DISTRESS

112. Plaintiff repeats and realleges each and every preceding allegation in causes of action VI, VII and VIII as if fully set forth herein.

113. Defendants engaged in extreme and outrageous conduct that exceeds all bounds of decency tolerated in a civilized society.

114. That conduct includes, without limitation, as to Defendant Rex Heuermann the brutal torture, dismemberment and murder of Valerie Mack, the mutilation and dismemberment of her body, the separation and concealment of her remains in multiple locations, as to all Defendants the years-long willful frustration of identification, the concealment of the truth of her demise from her young son, and, upon information and belief, the subsequent exploitation or monetization of the notoriety arising from these acts.

115. Defendants intended to cause severe emotional distress or acted with reckless disregard of the substantial probability of causing such distress.

116. As a direct and proximate result, Plaintiff suffered severe emotional distress, trauma, and prolonged psychological harm, entitling Plaintiff to monetary damages in a sum determined by the trier of fact.

XUNJUST ENRICHMENT

117. Plaintiff repeats and realleges each and every preceding allegation in causes of action VI, VII, VIII, IX and as if fully set forth herein.

118. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann received funds, and/or hold, and/or control funds, and/or will receive funds from media companies, including but not limited to Peacock, such funds derived from interviews, access to Defendants Asa Ellerup and Victoria by media representatives, licensing, casting, narration, documentary production, access to Defendants' residence, or from other exploitation of the atrocities' and crimes' notoriety.

119. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann gave interviews to representatives of the media, including but not limited to Peacock, regarding themselves, Defendant Rex Heuermann and their relationship to Rex Heuermann, a) in exchange for money, and b) to cause the public to read about and view their interviews and narrative so that the monetary values of their interviews and narratives would increase and inure to their benefit.

120. Upon information and belief, by reason of Defendant Asa Ellerup's and Defendant Victoria Heuermann's aforesaid interviews and narratives, the public did increasingly view and read about Defendant Asa Ellerup's and Defendant Victoria Heuermann's interviews and narratives, and this did accordingly increase the monetary value of their interviews and narratives, and inure to their benefit, which has actually increased the interviews and narrative's values and monetization and will continue to do so.

121. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann obtained such funds because of, a) the tortures and murders of LISK Rex Heuermann; b) the Defendants' concealment and willful disregard of those tortures and murders; c) Defendants' alleged relationship to the tortures, crimes, and victims' remains, and to one another;

d) Defendants' knowledge and understanding of and exploitation of the public's genuine and/or prurient interest in and fascination with the tortures and murders of the LISK victims, and with Defendants' familial relationships; e) the Defendants' cynical negotiations with and demands for money made to media organizations and members thereof, including Peacock, which demands were satisfied; f) upon information and belief the Defendants' attorneys' cynical and unprincipled negotiations with and demands for money for Defendants, made to, and with media organizations, including Peacock; g) upon information and belief the Defendants' Asa Ellerup's and Victoria Heuermann's attorneys' cynical and unprincipled negotiations with and demands for monies for the said attorneys themselves, made to and with media organizations, including Peacock, which, upon information and belief, were satisfied.

122. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann and their respective attorneys cooperated with media organizations, including Peacock, to conform their narratives and discussions with the aforesaid media, including Peacock, in order to enhance the monetary value of those discussions and narratives, and to earn the monies each were paid by such media organizations, including Peacock.

123. Upon information and belief, Defendants Asa Ellerup and Victoria Heuermann and their respective attorneys were paid sums of monies exceeding one million dollars by

reason of the foregoing, and remain under an obligation to continue to perform for and conform their narratives and discussions with the requirements of said media organizations, including Peacock.

124. Upon information and belief, none of the aforesaid monies paid to Defendants and to their attorneys was given by or donated by those Defendants nor by their attorneys to or on behalf of the families of any of the known victims aforesaid, including Plaintiff.

125. Upon information and belief, none of those Defendants nor their attorneys used their aforesaid discussions or narratives which were displayed to the public to generate any sympathy for the victims or their families, which would have, if so used, diminished the monetary value of their discussions and narratives which they sold to the aforesaid media.

126. Instead, the Defendants and their attorneys acted willfully and/or with reckless disregard of Plaintiff and the victims' families interests to Defendants' monetary advantage, and to the detriment of Valerie Mack's estate, for the aforesaid reasons, and in increasing their earnings as aforesaid by using the tortures, murders and concealments to their monetary advantage, and in publicly, utterly defending Rex Heuermann as to Rex Heuermann's indefensible acts, and in boldly attempting to enhance the standing and well-being of Rex Heuermann to the victims' detriment and their families' detriment including Plaintiff, for lucre.

127. Defendants knew or should have known that by their aforesaid actions, Defendants caused Plaintiff extreme pain, suffering, unsufferable anguish, despair, loss of dignity and self-esteem and reputation, all to Plaintiff's damages, which are of a continuing nature.

128. It is against equity and good conscience and it is atrocious to permit or tolerate Defendants Asa Ellerup and Victoria Heuermann, or anyone to whom they may have transferred the aforesaid monies, to retain or continue to receive such monies arising from such wrongdoing aforesaid, while at the same time Plaintiff and Valerie Mack's estate have no compensation for damages done to them. Equity cries out against such a perversion.

129. Plaintiff and Valerie Mack's estate are entitled to maintain relief for Defendants' unjust enrichment, for Defendants' harm practiced upon Plaintiff as aforesaid, for money had and received by Defendants, for restitution to Plaintiff and Valerie Mack's estate, for disgorgement of Defendants' earnings aforesaid, for punitive and exemplary damages, and for injunctive relief restraining Defendants from transferring or encumbering or dissipating the aforesaid monies, and from receiving any further monies as aforesaid, and for any other equitable relief as is just, and for attorneys' fees, costs and disbursements.

## XI

### ACTUAL AND CONSTRUCTIVE FRAUD

130. Plaintiff repeats and realleges each and every preceding allegation in causes of action VI, VII, VIII, IX and X.

131. Upon information and belief, Defendants Asa Ellerup and Rex Heuermann planned and effected a plan to defraud, hinder and delay creditors, including Plaintiff, from acquiring the Defendant Heuermann's assets which could be used to satisfy a debt or judgement owed by Defendant Heuermann to Plaintiff. Upon information and belief, this was done by means of a transfer to Defendant Ellerup by Defendant Heuermann of

Defendant Heuermann's assets including the marital home via "equitable distribution" of the parties' properties pursuant to a divorce agreement, whereby Defendant Ellerup received all of Defendant Heuermann's assets, and Defendant Heuermann received nothing of equitable value in return.

132. The aforesaid acts of Defendants were effected with actual intent to defraud, hinder and delay creditors including Plaintiff.

133. The aforesaid acts of Defendants were done where Defendants were "insiders" as that term is defined under NYS Debtor and Creditor Law Article X, §273.

134. The entire transaction of Defendants as aforesaid was done in violation of NYS Debtor and Creditor Law Article X, §273.

135. The entire transaction of Defendants as aforesaid was an actual fraud practiced upon creditors, including Plaintiff.

136. The entire transaction of Defendants as aforesaid was a constructive fraud practiced upon creditors, including Plaintiff.

163. The aforesaid transaction of Defendants during the divorce proceeding and at the time of the divorce proceeding of Defendants was a badge of fraud.

164. By reason of the foregoing, Plaintiff is entitled to recover damages and punitive damages in an amount to be determined by the trier of fact, and to attorneys' fees, costs, and disbursements, as well as to injunctive relief restraining Defendant Ellerup and anyone else on her behalf from transferring or dissipating or encumbering any such aforesaid asset.

## XII

### ACCOUNTING AND CONSTRUCTIVE TRUST

165. Plaintiff repeats and realleges each and every preceding paragraph in causes of action VI, VII, VIII, IX, X and XI.

166. The sums paid or promised to Defendants as aforesaid, and the funds' location, as well as the contract for such funds or prospective funds, as well as the payors' identities and sources of funds, are within the knowledge and control of Defendants Asa Ellerup and Victoria Heuermann.

167. There is no adequate remedy at law to determine the aforesaid facts, except via compelling Defendants to account for and disclose to Plaintiff and the Court the foregoing.

168. Plaintiff is in need of such equitable relief as that the Court order Defendants to account as aforesaid, and that the Court impose a constructive trust upon the funds, and impose an equitable lien favoring Plaintiff and an order restraining Defendants against dissipation or further use of said funds and from receiving any further funds, and for any other just relief, including but not limited to compelling Defendants to pay to Plaintiff attorneys' fees, costs and disbursements.

### XIII

#### PRIMA FACIE TORT

169. Plaintiff repeats and realleges each and every preceding paragraph in causes of action VI, VII, VIII, IX, X, XI and XII.

170. By reason of the foregoing, Defendants have each atrociously treated Plaintiff and his mother Valerie Mack, as aforesaid. Defendants' acts were wrongful, malevolent, vicious, recklessly in disregard of Plaintiff's and his mother's rights and dignities, and uncivilized. For these acts, there is no excuse nor justification.

171. By reason of the foregoing, Defendants Asa Ellerup and Victoria Heuermann continued and intended to continue the purpose of degradation of Valerie Mack and her remains, and of the infliction of malevolent vicious, spiteful, rancorous, sinister and misanthropic harm to Plaintiff, all to Plaintiff's injury and compensable damages including for mental anguish, and suffering. Plaintiff also seeks punitive damages, attorney fees, costs and disbursements.

WHEREFORE, Plaintiff prays for the following relief in amounts to be determined by the trier of fact:

- a) On the first cause of action, pecuniary damages and economic damages, punitive damages, attorneys' fees, costs and disbursements.
- b) On the second cause of action, damages for pain and suffering, including the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.

- c) On the third cause of action, damages for pain and suffering, including the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- d) On the fourth cause of action, damages for pain and suffering, including for the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- e) On the fifth cause of action, for damages for pain and suffering, including for the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- f) On the sixth cause of action, for damages for pain and suffering, and for punitive damages, attorneys' fees and disbursements.
- g) On the seventh cause of action, for damages for pain and suffering, including for the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- h) On the eighth cause of action, for damages for pain and suffering, including for the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- i) On the ninth cause of action, for damages for pain and suffering, including for the fear and anguish of Valerie Mack contemplating Valerie Mack's imminent death, and for punitive damages, attorneys' fees and disbursements.
- j) On the tenth cause of action, damages for Plaintiff's mental anguish, pain and suffering; and restitution, disgorgement of Defendants' earnings in connection with monies paid to Defendants by media and other organizations; and for monies had and received by

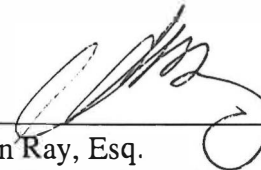
Defendants by media and other organizations; and for monies had and received by Defendants paid to Defendants by media and other organizations; and for Defendants' unjust enrichment and for punitive damages and attorneys' fees, cost and disbursements; and for injunctive relief restraining Defendants from transferring, encumbering or dissipating the aforesaid monies, and restraining Defendants from receiving any further monies from media or other organizations in relation to giving of interviews or narratives to media or other organizations, and for any other just relief, and for attorneys' fees, costs and disbursements.

- k) On the eleventh cause of action, for an order that Defendants account for the receipt of monies and transference thereof as to monies paid to Defendants by any media or other organization; and an order that a constructive trust be imposed upon the same funds, with Plaintiff or any other person be named as trustee, and an order imposing an equitable lien in favor of Plaintiff, and a restraining order against Defendants' use of any further funding payments, and for any other relief, including attorneys' fees, costs and disbursements.
- l) On the twelfth cause of action, for damages for pain, suffering and mental anguish, and punitive damages, in sums to be determined by the trier of fact, and for attorneys' fees, cost and disbursements.
- m) On the thirteen cause of action, for damages for pain and suffering, and for punitive damages, attorneys' fees and disbursements.
- n) And, for any other proper relief as to each cause of action.
- o) Plaintiff demands a jury trial.

Dated: April 6, 2026

Miller Place, New York

Respectfully submitted,



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John Ray & Associates  
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VERIFICATION

STATE OF NEW YORK )
) ss:
COUNTY OF SUFFOLK )

I, JOHN RAY, ESQ., an attorney duly admitted to practice law in the courts of the State of New York, affirm this 3rd day of April, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am the attorney for Plaintiff, Benjamin Aaron Torres; that I have read the foregoing and know the contents thereof; that the same is true to my own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. This affirmation is made by me because Plaintiff resides outside the State of New York.

Dated: April 3rd, 2026
Miller Place, NY

Handwritten signature of John Ray Esq. over a horizontal line.