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FILED
LOS ANGELES SUPERIOR COURT

SEP 08 2010

John A. Clarke, Clerk
Kim Garrison
By Kim Garrison, Deputy

Attorneys for Plaintiff FERNANDO FLORES

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

FERNANDO FLORES, an individual

Plaintiffs,

vs.

BRITNEY SPEARS, an individual,
ADVANCED SECURITY CONCEPTS
CORPORATION, a California corporation
Does 1-100, inclusive,

Defendants.

CASE NO.:

LC091061

**COMPLAINT FOR SEXUAL
HARRASSMENT AND INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS**

FOR CAUSES OF ACTION, PLAINTIFF ALLEGES:

INTRODUCTORY ALLEGATIONS

1. Plaintiff is and at all times herein relevant was an individual residing in the County of Orange, State of California.

2. Defendant Britney Spears is and at all times relevant herein was an individual residing in the County of Los Angeles, State of California. Plaintiff is informed and believes and alleges thereon that Britney Spears is and at all times herein relevant was subject to a Conservatorship of the person and estate.

3. Defendant Advanced Security Concepts Corporation is and at all times herein relevant was a corporation organized and existing under the Laws of the State of California, with its principal place of business in the County of Los Angeles, State of California.

4. The true names and capacities of the parties designated Does 1-100, inclusive are unknown to Plaintiff and hence Plaintiff sues thereby such fictitious names. Plaintiff is informed and believes and alleges thereon that each such Defendant is responsible in some manner for the harms herein alleged. Plaintiff will amend his complaint to allege the true names and capacities of each such Defendant as soon as it is ascertained.

5. In doing or permitting the acts herein alleged, Defendants and each of them were acting as the agents and employees of the other Defendants and acting within the course and scope of said agency and employment.

FIRST CAUSE OF ACTION

(For Sexual Harassment)

6. Plaintiff restates and reincorporates Paragraphs 1 through 5 hereof as though fully set forth herein.

7. In or about February 2010, Plaintiff was hired by Defendants and each of them as a security guard for Defendant Britney Spears at her residence in Calabasas in Los Angeles County.

8. While Defendant Advanced Security Concepts Corporation was the nominal “employer of Plaintiffs,” Defendant Britney Spears and Does 1-100, inclusive, acted also as Plaintiff’s employer and supervisor, in that they acted directly and indirectly as agent for Plaintiff’s nominal employer, Defendant Advanced Security Concepts Corporation and specifically had authority in the interest of the other Defendants to discharge or discipline Plaintiff, inter alia, in the exercise of their own independent judgment.

9. Commencing at or about the time of Plaintiff's employment, Defendant Britney Spears made repeated unwanted sexual advances to Plaintiff, summoning Plaintiff to her room at her residence for no other purpose or reason than to expose her naked or near naked body to Plaintiff.

1 10. In or about Plaintiff's second week of employment by Defendants, wherein
2 Plaintiff worked a night shift at Defendant Britney Spears' Calabasas residence, at approximately
3 11:30 pm, Defendant Spears summoned Plaintiff into the residence and asked that he assist her in
4 working her camera. While doing so, Defendant Spears allowed her breast to be exposed and
5 made no effort to cover it. Plaintiff was disturbed by Defendant Spears' behavior and
6 immediately excused himself.

7 11. During another night shift, Defendant Spears called Plaintiff into the residence
8 purportedly to turn on the fire place in her bedroom. When Plaintiff entered her room,
9 Defendant Spears was wearing only a white lace, see-through dress. Defendant Spears walked
10 over close by Plaintiff, intentionally dropped her cigarette lighter on the floor, bent over to
11 retrieve it and thereby exposed her uncovered genitals to Plaintiff. The incident caused Plaintiff
12 shock, and disgust.

13 12. During another night shift on a Saturday, Defendant Spears called Plaintiff on the
14 security phone from her landline telephone, ordering Plaintiff to knock on Defendant Spears'
15 side door in 15 minutes and to not be tardy. At the conclusion of the 15 minutes, Plaintiff
16 knocked on the door and was invited in by Defendant Spears, who was standing next to a couch,
17 stark naked.

18 13. During a Saturday shift during the day, Defendant Spears called Plaintiff on the
19 security phone, ordering Plaintiff to knock on her bedroom door in 15 minutes and to not be late.
20 Plaintiff entered and found Defendant Spears standing in her bedroom completely nude. After
21 an awkward silence, during which Defendant just stood naked before Plaintiff, Plaintiff asked
22 Defendant Spears if she needed anything. After some hesitation, Defendant Spears asked
23 Plaintiff to get her two bottles of 7 Up.

24 14. During another night shift, Defendant Spears entered the pool house wearing her
25 see-through white lace dress and nothing else. She demanded that Plaintiff fetch her a pack of
26 cigarettes. As Plaintiff attempted to hand her the cigarettes, Defendant Spears turned round,
27 dropped her cigarette lighter and bent over to retrieve it, again exposing her bare genitals to
28 Plaintiff's view. She righted herself, turned around and stared at Plaintiff with a leer on her face.

1 Plaintiff was shocked and disgusted by the incident. Plaintiff immediately thereafter reported the
2 incident to Josh McMahan, his supervisor and the supervisor at Defendant ASC for the Spears
3 account, but was rebuffed with the remark, "You know you liked it."

4 15. At no time did Plaintiff react to such unwanted sexual advances of Defendant
5 Spears other than to immediately retreat from Defendant Spear's presence.

6 16. In addition to exposing herself to Plaintiff, Defendant Spears engaged in
7 numerous sex acts in front of Plaintiff, including but not limited to, having sexual intercourse.

8 17. On a number of occasions, Plaintiff complained to the other Defendants of
9 Defendant Spears' harassment, but his complaints were ignored or mocked, and no action was
10 taken to rectify the situation.

11 18. On or about July 1, 2010, Plaintiff exhausted his administrative remedies against
12 Britney Spears and Advanced Security Concepts Corporation by filing a complaint with the
13 California Department of Fair Employment and Housing and obtaining a right to sue letter.

14 19. As a result of the above actions and omissions, Plaintiff has suffered damages,
15 including without limitation psychological damage, in an amount to be proven within the
16 jurisdictional limits of this court.

17 **SECOND CAUSE OF ACTION**

18 (Intentional Infliction of Emotional Distress Against Defendant Britney Spears)

19 20. Plaintiff restates and reincorporates Paragraphs 1-19 inclusive hereof as though
20 fully set forth herein.

21 21. In discharging his duties as security guard at the residence of Defendant Britney
22 Spears, Plaintiff also provided for the needs of the two minor children of Defendant Spears, Sean
23 Preston and Jayden James, including without limitation, supervising their play and playing with
24 them. Plaintiff's relationship with the two minor children became so close that Plaintiff was told
25 by the children that they loved him.

26 22. In the course of Plaintiff's employment at Defendant Spears' residence,
27 Defendant Spears on a number of occasions perpetrated extreme and outrageous conduct
28 including but not limited to conduct against her two minor children, in the presence of Plaintiff,

1 directed at Plaintiff and with reckless disregard of the probability of causing emotional distress to
2 Plaintiff, including but not limited to the following:

3 A. During a Saturday morning shift, Plaintiff was in Defendant Spears' pool
4 house when Defendant Spears came in and inquired if Plaintiff was wearing a belt. When
5 Plaintiff said he was, Defendant Spears demanded that he remove it and give it to her. Not
6 knowing why she wanted the belt, Plaintiff removed his belt and gave it to her. What happened
7 next horrified and deeply disturbed Plaintiff: Defendant Spears immediately ran back towards
8 her house screaming "Preston!" [i.e. Sean Preston, her elder son]. She entered the residence
9 through two French doors on the north side. Plaintiff exited the pool house, hearing Sean
10 Preston screaming in terror and pain, and saw Defendant Spears at least twice savagely hitting
11 the small child with Plaintiff's belt. Defendant Spears never returned Plaintiff's belt. Plaintiff
12 was shocked, horrified and deeply disturbed by the incident;

13 B. During a stay at the Mondrian Hotel in Hollywood, despite the fact that
14 Defendant Spears, Plaintiff, and the children's nanny all knew that her two small sons had
15 serious and even life threatening food allergies to seafood, Defendant Spears deliberately and
16 recklessly fed her two sons crabmeat. When both boys started vomiting, Defendant Spears
17 explicitly prevented Plaintiff and the children's nanny from seeking medical care for the
18 children. On another occasion, when Plaintiff admonished Defendant Spears not to feed her
19 children items to which they had food allergies, she forcefully replied "Mind your own fucking
20 business!" Plaintiff was horrified by the incidents.

21 C. On one night shift at approximately 2 am, Defendant Spears entered the
22 pool house where Plaintiff was stationed. Seeming agitated, Defendant Spears walked in circles
23 in front of Plaintiff, muttering darkly and pausing to point at Plaintiff and scream "Fuck you!" to
24 him. Plaintiff was deeply troubled by the incident.

25 D. On more than one occasion Defendant Spears in the presence of Plaintiff
26 proclaimed to her young sons, "Mommy is WHITE TRASH!" Her boys would then ask Plaintiff
27 what that meant, and Plaintiff was too ashamed to tell them.

28 ////

1 E. While at the Grand Californian Hotel in Anaheim, Plaintiff perceived,
2 during security checks of the perimeter, Defendant loudly having sexual relations while her two
3 children were in the suite with her;

4 F. On at least two occasions, Plaintiff were entered Defendant Spears'
5 residence and was greeted upon his return by the sight of Defendant Spears having vigorous
6 sexual relations;

7 G. On several occasions, with her children present, Plaintiff witnessed
8 Defendant Spears having violent quarrels with her boyfriend, during which Defendant Spears
9 would yell "Fuck You!" "Get the Fuck outta my house!" etc., at Plaintiff.

10 H. During a movie excursion to watch a film "Alice in Wonderland" at the
11 Arclight, Defendant Spears demanded a frozen "slurpee." When Plaintiff he went to the
12 concession stand was told by the management that the drink would not be ready for 15 minutes.
13 When Plaintiff so advised Defendant Spears, she sputtered, "I want my FUCKING DRINK!
14 GOD! I'm gonna FIRE YOUR ASS!" Plaintiff walked away, humiliated and traumatized.

15 23. As a direct and proximate result of said extreme and outrageous conduct, Plaintiff
16 has suffered damages in an amount to be proven within the jurisdictional limits of this court.

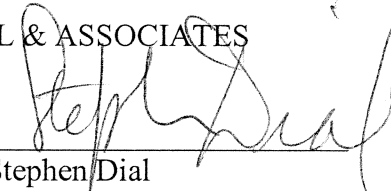
17 24. The act of Defendant Britney Spears as alleged herein were wanton, willful,
18 malicious and despicable, warranting an award of damages pursuant to Civil Code § 3294.

19 Wherefore Plaintiff prays:

- 20 1. For Damages according to proof;
21 2. For exemplary damages under Civil Code §3294;
22 3. For attorney fees;
23 4. For other and further relief as the court deems just and proper.
24

25 Dated: September 7, 2010

DIAL & ASSOCIATES

26 By: 
27 Stephen Dial
28 Attorney for Fernando Flores

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

BRITNEY SPEARS, an individual, ADVANCED SECURITY
CONCEPTS CORPORATION, a California corporation Does 1-100, inc

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

FERNANDO FLORES, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

LOS ANGELES SUPERIOR COURT

SEP 08 2010

Jonny A. Clarke, Clerk
Kim Garrison
By Kim Garrison, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Van Nuys Courthouse East
6230 Sylmar Ave.
Van Nuys, CA 91401

CASE NUMBER:
(Número del Caso): LC091061

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Stephen Dial, 505 South Villa Real Drive, Ste 205, Anaheim CA 92807 (714) 279-8055

DATE: *JOHNA CLARKE* SEP 08 2010
(Fecha)

Clerk, by *Kim Garrison*
(Secretario) , Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):

