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6 J. ROE.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 11 2011

John A. Clarke, Executive Officer/Clerk
BY Mary Flores, Deputy

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

9 BC 461284

10 J. ROE,

11 Plaintiff.

12 vs.

13 JOHN DOE; and DOES 1 THROUGH 30,
14 INCLUSIVE,

15 Defendants.

Case No.:

COMPLAINTS OF:

1. Sexual Battery
2. Intentional Infliction of Emotional Distress
3. Negligence
4. Negligent Infliction of Emotional Distress
5. Fraud (Concealment)
6. Fraud (Misrepresentation)

16 I.

17
18 As a carnivorous plant lures unsuspecting victims with veiled deceit, so to did the
19 defendant in this case.

20
21 JOHN DOE, an A-list celebrity of substantial fame intentionally wielded his
22 influence, money and notoriety to attract his prey. In flaunting his power, fame and money,
23 Defendant lured the unsuspecting Plaintiff into his sprawling Las Vegas Penthouse for an
24 evening of prolonged sex and illicit drug use. For Plaintiff, the night will last forever, not
25 solely in the form of the video-tape that recorded the evening, but in the form of a dreaded
26 sexually transmitted disease spread by Defendant to Plaintiff.

27
28 Plaintiff brings this action for claims of: Sexual Battery; Intentional Infliction of
Emotional Distress; Negligent Infliction of Emotional Distress; Negligence; Fraud in the

1 Concealment; and Fraud in the Misrepresentation against the pseudonymously named
2 Defendant. Plaintiff has at this time opted to refrain from naming parties so as to save
3 Plaintiff from any further embarrassment and humiliation at the hands of Defendant or his
4 fame.

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6 II.

7 GENERAL ALLEGATIONS

8 1. Plaintiff, is, and at all times mentioned herein was, an individual residing
9 in the County of Clark, State of Nevada.

10 2. Plaintiff is informed and believes and thereon alleges that Defendant is,
11 and at all times mentioned herein was, an individual maintaining a primary residence in the
12 City of Los Angeles, California.

13 3. Defendant, is an "A-List" celebrity who has appeared widely on television
14 and film.

15 4. Defendant's net worth is valued in excess of One-Hundred Million
16 Dollars.

17 5. Defendant met Plaintiff on or before April 1, 2011 in Las Vegas, Nevada.

18 6. On the day of their meeting, Defendant entered into a nefarious plot
19 designed to lure Plaintiff into his luxurious hotel room to serve his selfish prurient desires.

20 7. After unrelenting efforts by the Defendant, Plaintiff agreed to meet
21 defendant in the Presidential Suite of his Las Vegas hotel room.

22 8. Upon Plaintiff's arrival, the parties' made small talk about fashion,
23 politics, drugs, sex and Plaintiff's desire to begin an acting career.

24 9. After the small talk, the two retired to the couch and began discussing
25 sex. Defendant was very inquisitive as to Plaintiff's sexual practices and any promiscuity or
26 lack-thereof. Defendant further had Plaintiff confirm that Plaintiff was not an intravenous
27 drugs user or had ANY venereal disease. Plaintiff confirmed that Plaintiff was STD free and
28 that Plaintiff had been in a monogamous relationship for several years. Plaintiff then asked

1 Defendant if he had any disease. Defendant responded without equivocation that he had no
2 venereal diseases.

3 10. Now satisfied with each other's answers and based on Defendant's
4 assurance, Plaintiff agreed to have sex with Defendant.

5 11. Defendant then began to fondle Plaintiff as they spoke of Defendant's
6 similar sexual conquests while the two browsed pornographic images on Defendant's cell
7 phone.

8 12. Defendant then asked Plaintiff to undress as he began to video record
9 Plaintiff in varying states of undress. Similarly, Defendant began to disrobe and encouraged
10 Plaintiff to record him and his ingestion of illegal drugs.

11 13. As the parties' engaged in sexual relations they each conspicuously video
12 recorded the events on their video-enabled cell phones so that as Defendant expressed it:

13 "they could relive the magic over-and-over again."

14 14. Based on their mutual assertions of cleanliness, the pair engaged in sexual
15 acts that included mutual oral copulation, mutual self gratification, rubbing and massaging
16 each other, play-wrestling, licking and intercourse.

17
18
19 **III.**
FIRST CAUSE OF ACTION
(For Sexual Battery Against JOHN DOE)

20
21 15. Plaintiff incorporates herein by reference each and every allegation of
22 Paragraphs 1 through 14 above as though set forth in full herein verbatim.

23 16. Plaintiff is informed and believes and thereon alleges that on or about
24 April 1, 2011, Plaintiff and Defendant engaged in sexual intercourse, Defendant was
25 infected with, and knew he was infected with, the incurable venereal disease, herpes.

26 17. Defendant knowingly and intentionally engaged in sexual intercourse
27 with Plaintiff, having knowledge that he was infected with herpes.

28 18. Such contact caused infection with an incurable venereal disease and
would be deemed harmful or offensive to a reasonable person.

19. Such contact was and is harmful and offensive to Plaintiff. As a direct result of said sexual contact with Defendant, Plaintiff was infected with herpes.

20. On or about April 1, 2011, Plaintiff did not lawfully consent to engage in sexual intercourse with Defendant as any purported consent was vitiated by the fact that Defendant did not inform Plaintiff of his infection with herpes.

21. As a proximate cause of the offensive and harmful contact, Plaintiff has suffered injury, damage, loss and harm to Plaintiff's body and mind. Plaintiff has suffered pain and irritation from genital lesions; embarrassment and anxiety as a result of contracting an incurable venereal disease. Further, Plaintiff has suffered personal invasion, humiliation, inconvenience and financial expense associated with continued medical examinations, screenings, testing, monitoring and medication, and emotional stress as a result of now having an increased risk for various other diseases, including cancer.

22. As a result of Defendant's offensive and harmful contact, Plaintiff has been damaged in an amount according to proof at time of trial, but which is presently believed to be in excess of \$20,000,000.00.

IV.
SECOND CAUSE OF ACTION
(For Intentional Infliction of Emotional Distress
Against JOHN DOE)

23. Plaintiff incorporates herein by reference each and every allegation of Paragraphs 1 through 22, above as though set forth in full herein verbatim.

24. Plaintiff is informed and believes and thereon alleges that Defendant, as an intimate partner, owed a legal duty to use ordinary care to prevent injury to Plaintiff.

25. Defendant breached that duty, intentionally and with reckless disregard for the probability that severe injury would result by his engaging in unprotected sexual intercourse with Plaintiff and from his failure to advise Plaintiff that he was infected with herpes.

1 26. The above-referenced conduct of Defendant was outrageous and beyond
2 the bounds of decency such that no reasonable person could be expected to endure it. As
3 a result of contracting herpes from Defendant, Plaintiff was forced to endure physical
4 pain, mental anguish, shock, humiliation, feelings of helplessness and desperation.
5 Plaintiff was physically and emotionally abused by contracting herpes from the
6 Defendant.

7 27. Upon information and belief, at all relevant times herein, Defendant knew
8 he was infected with herpes, and knew or should have known that Defendant could infect
9 Plaintiff with herpes whether or not Defendant was having an active outbreak of herpes.

10 28. Upon information and belief, Defendant knew that herpes was contagious
11 and incurable.

12 29. Upon information and belief, Defendant knew that herpes could be
13 prevented, at least in large part, by the use of condoms during sexual intercourse.

14 30. Defendant acted intentionally and with conscious failure to avoid injury to
15 Plaintiff by engaging in sexual relations with Plaintiff knowing he was infected with
16 herpes and by failing to warn Plaintiff of the potential risks to Plaintiff's health.

17 31. As a result of Defendant's conduct, Plaintiff contracted herpes and fears
18 further infection as a result of Defendant's actions. Plaintiff is now unnecessarily forced
19 to endure physical pain, mental anguish, shock, humiliation, feelings of helplessness and
20 desperation.

21 32. As a direct and proximate result of the intentional, malicious, harmful,
22 unlawful and offensive acts of Defendant, as aforesaid, Plaintiff sustained severe and
23 serious injury to Plaintiff's person, including but not limited to having contracted a
24 contagious and incurable venereal disease, suffered an increase in the risk of contracting
25 cancer and other serious medical conditions, and fearing further infection of other
26 diseases. Plaintiff has further suffered severe emotional distress and anxiety. Said
27 injuries are all to Plaintiff's damage in a sum within the jurisdiction of this court and to
28 be shown according to proof.

33. By reason of the foregoing, Defendant has acted with malice by his knowing failure to advise Plaintiff prior to sexual contact that he was infected with an incurable venereal disease. An award of punitive damages in a sum according to proof at trial is justified, warranted and appropriate.

VI.
FOURTH CAUSE OF ACTION
(For Negligent Infliction of Emotional Distress Against
JOHN DOE and DOES 11-20, inclusive)

39. Plaintiff incorporates herein by reference each and every allegation of Paragraphs 1 through 38 above as though set forth in full herein verbatim.

40. Plaintiff is informed and believes and thereon alleges that Defendant as an intimate partner owed a legal duty to use ordinary care to prevent injury to Plaintiff. Defendant, and DOES 11-20, as persons having knowledge that Defendant was infected with herpes and engaging in a sexual relationship with Plaintiff, also had a legal duty to use ordinary care to prevent injury to Plaintiff.

41. Defendant breached his duty of care when Defendant engaged in sexual intercourse with Plaintiff without informing Plaintiff that he was infected with herpes.

Defendant and DOES 11-20 breached their duty of care by failing to inform Plaintiff of Defendant's infected status and the likelihood of contracting the disease through engaging in sexual relations with Defendant.

42. Upon information and belief, Defendant either knew or should have known that said conduct would cause serious emotional distress to Plaintiff.

43. Defendant's breach proximately caused significant injury to Plaintiff, as Plaintiff has been incurably infected with herpes as a result of engaging in sexual intercourse with Defendant. Defendant's breach proximately caused significant injury to Plaintiff, as Plaintiff was infected with herpes because Plaintiff was not warned of Defendant's infected status or the likelihood of contracting the disease by sexual intercourse.

44. As a result of said injury, Plaintiff has suffered physical pain and injury, mental and emotional distress, and financial damages in an amount to be proven at trial.

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VII.
FIFTH CAUSE OF ACTION
(For Fraud/Concealment Against JOHN DOE
and DOES 21-30, inclusive)

45. Plaintiff incorporates herein by reference each and every allegation of Paragraphs 1 through 44, as though set forth in full herein verbatim.

46. Plaintiff is informed and believes that on or about April 1, 2011, Defendant had actual knowledge that he was infected with herpes. Defendant knew or should have known that he had a duty to inform Plaintiff that he was infected with herpes, prior to engaging in sexual intercourse. Defendant had a duty to Plaintiff, as an intimate Partner, to advise and warn Plaintiff prior to engaging in sexual relations that he was, in fact, infected with herpes.

47. Said Defendant and DOES 21-30 had a duty to warn Plaintiff that Defendant was infected with herpes and Defendant concealed that fact from Plaintiff and engaged in sexual intercourse with Plaintiff without informing Plaintiff that he was indeed infected with herpes. Defendants and DOES 21-30 also concealed the fact of Defendant's herpes infection from Plaintiff. As a result of said concealment, Plaintiff engaged in sexual relations with Defendant, having no knowledge of his infection with herpes.

48. In engaging in sexual relations with Plaintiff without advising him of his infection with herpes, Defendant breached his duty to disclose said facts to Plaintiff. JOHN DOE and DOES 21-30, each of them, breached their respective duties to disclose to Plaintiff that JOHN DOE was indeed infected with herpes.

49. Defendant breached said duty with the intent of misleading Plaintiff so that Plaintiff would engage in sexual intercourse with him. Defendant, and DOES 21-30, and each of them, as agents of Defendant, breached said duty with the intent of misleading Plaintiff so that Plaintiff would engage in sexual contact with Defendant.

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1 50. Plaintiff relied on Defendant to be direct and frank with Plaintiff, and
2 relied on Defendant's prior assurances that he was an honest man and would never lie to
3 Plaintiff.

4 51. Plaintiff relied on Defendant's assertions of honesty and openness to share
5 important health and sexual information prior to engaging in sexual intercourse together.
6 Plaintiff further relied on Defendant and DOES 21-30 to warn and inform Plaintiff of
7 information important to Plaintiff's health, safety and welfare.

8 52. As a result of Plaintiff's reliance on Defendant's prior assertions and in
9 reliance on Defendant's failure to inform Plaintiff that he had herpes, Plaintiff engaged in
10 sexual intercourse with Defendant. As a result of Plaintiff's reliance on Defendant and
11 DOES 21-30's deceit, Plaintiff engaged in sexual relations with Defendant.

12 53. As a proximate and legal result of the concealment as alleged, Plaintiff
13 was damaged physically and mentally by contracting herpes from Defendant.

14 54. In doing the aforementioned acts, Defendant has taken advantage of
15 Plaintiff causing Plaintiff previously unnecessary medical care, comfort, safety, health
16 and emotional well-being.

17 55. Plaintiff has suffered in body and mind, and is entitled to compensatory
18 damages in an amount to be proven at trial.

19 56. By reason of the foregoing, Defendant has acted with malice, fraud and
20 oppression, and an award of punitive damages in a sum according to proof at trial is
21 justified, warranted and appropriate. Defendant and DOES 21-30 have also acted with
22 malice, fraud and oppression, warranting an award of punitive damages against each of
23 them, in an amount to be proven at trial.

VIII.
SIXTH CAUSE OF ACTION
(For Fraud/Misrepresentation Against JOHN DOE)

57. Plaintiff incorporates herein by reference each and every allegation of Paragraphs 1 through 56, as though set forth in full herein verbatim.

58. Plaintiff is informed and believes that on or before April 1, 2011, Defendant had actual knowledge that Defendant was infected with herpes.

59. Plaintiff is further informed and believes that on or before April 1, 2011, Defendant had actual knowledge or should have known that Defendant had an active outbreak of herpes. Plaintiff is informed and believes that Defendant had actual knowledge or should have known, as a result of his long-time diagnosis with herpes, that Defendant could infect Plaintiff with herpes by way of sexual contact even if there were no visible signs of an active outbreak of herpes.

60. Defendant either knew or should have known he had a duty to inform Plaintiff that Plaintiff could become infected with herpes by way of engaging in sexual intercourse with Defendant. Defendant either knew or should have known that Defendant had a duty to inform Plaintiff that Plaintiff could become infected with herpes by engaging in sexual contact with Defendant even if he did not have any visible active outbreak of herpes at the time of the sexual contact.

61. In or before April of 2011, Defendant misrepresented those facts to Plaintiff and engaged in sexual intercourse with Plaintiff without informing Plaintiff that he was having an active outbreak of herpes and that he was contagious. Defendant fraudulently withheld information to Plaintiff that Plaintiff could not be infected with herpes even if Defendant was not having an active visible outbreak at the time of sexual contact.

62. In doing so, Defendant breached his duty to disclose said facts to Plaintiff. Defendant breached said duty with the intent of misleading Plaintiff so that Plaintiff would engage in sexual intercourse with Defendant.

63. Plaintiff relied on Defendant to be direct and frank with Plaintiff, and relied on Defendant's prior assurances that he was an honest man and would never lie to Plaintiff.

64. Plaintiff relied on Defendant's assertions of honesty and openness to share important health and sexual information with Plaintiff prior to engaging in sexual intercourse together.

65. As a result of Plaintiff's reliance on Defendant's prior assertions and Defendant's assertions that he was STD free and that it was safe to engage in sexual intercourse, Plaintiff relied on Defendant's assurances that he was not contagious and as a result of those misrepresentations, Plaintiff engaged in sexual intercourse with Defendant.

66. Plaintiff was ignorant of the facts concealed by Defendant's misrepresentation and did not know that Plaintiff could contract herpes from Defendant.

67. As a proximate and legal result of the misrepresentations as alleged, Plaintiff was damaged physically and mentally as Plaintiff did indeed contract herpes from Defendant.

68. In doing the aforementioned acts, Defendant gained an advantage over Plaintiff in matters relating to Plaintiff's business, medical care, comfort, safety, health and emotional well-being.

69. Plaintiff has suffered in body and mind, and is entitled to compensatory damages in an amount to be proven at trial.

70. By reason of the foregoing, Defendant has acted with malice, fraud and oppression, in knowingly and unnecessarily infecting Plaintiff with an incurable venereal disease that could easily have been prevented by abstaining from sexual contact. Risk of transmitting the disease to Plaintiff could easily have been reduced had Defendant been honest and/or demanded the wearing of a condom during sexual intercourse, which was not done. As a result of Defendant's malicious behavior toward Plaintiff, an award of punitive damages in a sum according to proof at trial is justified, warranted and appropriate.

1 WHEREFORE, Plaintiff prays judgment against Defendants as follows on all causes
2 of action by plaintiff against all defendants:

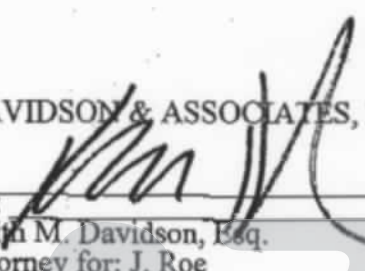
- 3 1. For compensatory damages in an amount to be proven at trial;
4 2. For general damages within the jurisdiction of this court;
5 3. For punitive damages as permitted by law;
6 4. For costs of suit herein incurred;
7 5. For such other and further relief as the court may deem just and proper.

8 **DEMAND FOR JURY TRIAL**

9 Plaintiff hereby demands a jury trial for her claims against Defendants.

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12 DATED: May 11, 2011

DAVIDSON & ASSOCIATES, P.L.C.

13
14 By: 
15 Keith M. Davidson, Esq.
16 Attorney for: J. Roe
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