

No. 4063 P. 9

DEPT # 105
(HON. HOLLY E. KENDIG)
9328)

FILED
Superior Court of California
County of Los Angeles

MAY 20 2015

Sherril R. Carter, Executive Officer/Clerk
By Dawn Alexander Deputy

By Dawn Alexander Deputy

Dawn Alexander

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CASE NO.: **BC 580909**

COMPLAINT FOR:

1. DEFAMATION/DEFAMATION

PER SE

2. FALSE LIGHT

3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

INTRODUCTION

RECEIPT #: CCH481620072
DATE PAID: 05/20/15 03:00
PAID AMT: \$45.00
RECEIVED:

s spent decades

CIT/CHASE; PC580909;
LEA/DEF#;

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1 building.

2 3. Ms. Dickinson brings this action for defamation and related claims.

3 **JURISDICTION AND VENUE**

4 4. The Court has personal jurisdiction over the Defendant because he is a resident
5 of and does business in the State of California, and owns real property in the State of California.

6 5. Venue is proper in this county because the Defendant resides in this county,
7 owns real property in this county and does business in this county, and the injuries alleged
8 herein occurred in this county.

9 **PARTIES**

10 6. Plaintiff JANICE DICKINSON ("Ms. Dickinson") is an individual who resides
11 in the County of Los Angeles, California.

12 7. Ms. Dickinson is an internationally known fashion model, photographer and
13 author, often called "the world's first supermodel." She has been on the cover of *Cosmo*,
14 *Harper's Bazaar*, *Marie Claire*, *Playboy* and many other magazines. Ms. Dickinson appeared
15 on the cover of prestigious *Vogue* magazine (both American and international editions) 37
16 times, and she appeared on the cover of *Elle* magazine seven times in a row. She has been the
17 face of ad campaigns for many products, including Revlon, Alberto VO5, Balmain, Obao,
18 Christian Dior, Clairol, Hush Puppies, Orbit gum, Max Factor, Virginia Slims, and Cutex.

19 8. More recently, Ms. Dickinson has become a successful television star on many
20 reality shows, including her own, *The Janice Dickinson Modeling Agency*, which ran for four
21 seasons. She's also the author of three books chronicling her life as a supermodel, and offering
22 lighthearted dating advice to single women. As a result of her decades of hard work Ms.
23 Dickinson has enjoyed continued success across multiple entertainment platforms, though most
24 models' careers are finished after a few years. A major component of her popularity and
25 marketability on reality television and in publishing is Ms. Dickinson's reputation for her
26 colorful, raw, sometimes loud, sometimes vulnerable, but at all times honest "tell-it-like-it-is"
27 personality.

28 9. Defendant WILLIAM H. COSBY, JR. ("Defendant Cosby"), owns residential

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1 property in the county of Los Angeles, California and/or does business in the State of
2 California.

3 10. Defendant Cosby is an internationally known comedian, actor and author. He has
4 been publicly accused of sexual assault by over forty women spanning four decades and across
5 the United States. Most of them also allege that he surreptitiously drugged them into a state of
6 unconsciousness prior to sexually assaulting them.

7 11. The true names and capacities, whether corporate, associate, individual or
8 otherwise of defendants DOES 1 through 100, inclusive, are unknown to plaintiff, who
9 therefore sues said defendants by such fictitious names. Each of the defendants designated
10 herein as a DOE is legally responsible in some manner for the events and happenings herein
11 referred to and caused injuries and damages proximately thereby to plaintiff, as herein alleged.
12 Plaintiff will seek leave of Court to amend this Complaint to show their names and capacities
13 when the same have been ascertained.

14 12. At all times mentioned in this complaint, unless otherwise alleged, each
15 defendant was the agent, partner, or employee of every other defendant, and in doing the acts
16 alleged in this complaint, was acting within the course, scope and authority of that agency,
17 partnership, or employment, and with the knowledge and consent of each of the other
18 defendants.

19 FACTUAL ALLEGATIONS

20 I. DEFENDANT COSBY DRUGGED AND RAPED MS. DICKINSON

21 13. In or about 1982, Ms. Dickinson was in Bali, Indonesia shooting a calendar.
22 There she received a telephone call from Defendant Cosby. On the call, he asked her to fly to
23 Lake Tahoe, Nevada to meet with him. Defendant Cosby offered to pay for her flight from Bali
24 to Lake Tahoe to discuss her future show business and singing career. Excited at the possibility
25 of expanding her career to television and music, Ms. Dickinson agreed.

26 14. After arriving in Lake Tahoe, Ms. Dickinson had dinner with Defendant Cosby.

27 15. Ms. Dickinson was suffering from menstrual pain. Defendant Cosby offered her
28 a glass of wine and a pill which he represented would help her with cramps.

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1 16. Defendant Cosby offered Ms. Dickinson a pill and a drink even though he knew
2 that she had been in a rehab center for addiction a few months before. Defendant Cosby had
3 sent Ms. Dickinson flowers (red roses) while she was in the rehab center.

4 17. Ms. Dickinson consumed the pill believing it was what Defendant Cosby had
5 represented it to be, and trusting Defendant Cosby.

6 18. Defendant Cosby deceived Ms. Dickinson into consuming a narcotic that heavily
7 sedated her.

8 19. After Defendant Cosby intentionally drugged Ms. Dickinson, later that night he
9 sexually assaulted her, penetrating her vaginally and anally, without her consent, and leaving
10 semen on her body.

11 20. Thereafter, Ms. Dickinson told some of her close friends about the incident, but
12 did not tell the police due to fear of retaliation against her and her family by the Defendant, who
13 was and is a wealthy, powerful celebrity.

14 **II. MS. DICKINSON IS NOT PERMITTED TO DISCLOSE THE RAPE IN**
15 **HER BOOK**

16 21. Nearly two decades later, in or about 2001-2002, Ms. Dickinson wrote her
17 autobiography, *No Lifeguard on Duty*. During this time period, Ms. Dickinson told her
18 ghostwriter, Pablo Fenjves, as well as the president of Regan Books, (an imprint of Harper
19 Collins, the publisher of her book) Judith Regan, that she had been raped by Defendant Cosby,
20 and that she wanted to include the disclosure in her book.

21 22. Ms. Regan and Mr. Fenjves told Ms. Dickinson that she could not include her
22 rape disclosure in the book, as Harper Collins's legal department would not permit it. Ms.
23 Dickinson argued vehemently that the rape disclosure should be included, but the publisher
24 would not allow it. Ms. Dickinson was forced to compromise. As a result, while the book
25 describes Defendant Cosby as arrogant and making an inappropriate and unwelcome sexual
26 advance to her, which, after she rebuffed him caused him to give her "the dirtiest, meanest look
27 in the world," the book does not disclose specifically that Defendant Cosby drugged and raped
28 Ms. Dickinson.

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23. Ms. Dickinson's revelation to her ghostwriter, publisher and friends that Defendant Cosby had drugged and raped her occurred years before any other woman publicly accused Defendant Cosby of sexual assault.

24. In 2006, Ms. Dickinson did a radio interview with Howard Stern. There she disclosed that "Bill Cosby was the only guy I couldn't write about in the book because Harper Collins was afraid of lawsuits." Upon persistent questioning from Mr. Stern about what happened between Ms. Dickinson and Defendant Cosby, Ms. Dickinson responded, "I don't want to get near that because I don't have the shekels that you do or that Cosby does. The guy's a bad guy, let me just say that. He's not a nice guy. He preys on women who've just come out of rehab, I'll say that."

III. DEFENDANT COSBY DISCUSSES HIS OBSESSION WITH DRUGGING WOMEN FOR SEX

25. Over the years Defendant Cosby has expressed a lurid and obsessive fascination with drugging women in order to have sex with them. In his 1969 comedy album, "It's True! It's True!" Defendant Cosby talked about the mythical properties of the drug "Spanish Fly" which would make women feel amorous and sexually submissive. Defendant Cosby said "go to a party, see five girls standing alone, Boy, if I had a whole jug of Spanish Fly, I'd light that whole corner up over there."

26. Defendant Cosby told a similar version of the story extolling Spanish Fly in his 1991 book, *Childhood*. In his book, Defendant Cosby wrote a lengthy description of his search for Spanish Fly so that he could secretly drug women and then have sex with them. "Girls are 'never in the mood for us,' he wrote, 'They need chemicals.'"

27. Defendant Cosby again brought up Spanish Fly in his 1991 interview with Larry King on CNN to promote his book. In this interview Defendant Cosby asked Larry King if he knew about Spanish Fly. Defendant Cosby said, "Spanish Fly was the thing that all boys from age 11 on up to death - we will still be searching for Spanish Fly." Defendant Cosby said that he could put a pinhead sized drop of Spanish Fly in a woman's drink and she would become sexually submissive.

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1 28. In reality, Defendant Cosby's seemingly facetious public statements about
2 Spanish Fly revealed his penchant for drugging women and then having sex with them while
3 they were rendered unconscious and unable to consent. Defendant Cosby's references to
4 Spanish Fly were direct admissions of his own predatory behavior.

5 29. Even after dozens of women came forward to disclose that they had been
6 drugged and raped by Defendant Cosby, he has continued to brazenly joke about his criminal
7 activity in at least one public forum. On January 8, 2015, in a stand-up performance in Ontario,
8 Canada, Defendant Cosby asked a woman from the audience who had gotten up where she was
9 going. She told him that she was going to get a drink. He replied: "You have to be careful about
10 drinking around me." This comment was intended by Defendant Cosby to mock, insult, demean
11 and humiliate Ms. Dickinson and his other accusers.

12 **IV. MS. DICKINSON'S 2014 DISCLOSURE THAT COSBY RAPED HER**

13 30. In late 2014, a large number of women publicly disclosed that they had been
14 drugged and raped by Defendant Cosby. Many of them were publicly demeaned by Defendant
15 Cosby and his representatives, by his fans or others. Ms. Dickinson was one of these women
16 who made the difficult decision to reveal that she too was a Cosby victim, to lend her story and
17 voice in support of the credibility of the other victims.

18 31. On or about November 18, 2014, Ms. Dickinson disclosed in a television
19 interview that Defendant Cosby had drugged and raped her. At the time, she was the most high
20 profile accuser who had spoken out publicly against Defendant Cosby.

21 **V. TEAM COSBY GOES ON THE ATTACK AGAINST MS. DICKINSON**

22 32. On or about November 18, 2014, the same day as Ms. Dickinson's first
23 television interview detailing Defendant Cosby's rape of her, Defendant Cosby issued a press
24 statement about Ms. Dickinson to the news media, including Entertainment Tonight (CBS) and
25 BuzzFeed.com ("The November 18 Press Statement"). The November 18 Press Statement was
26 immediately broadcast and published online, then picked up and republished by thousands of
27 media entities worldwide, as Defendant Cosby foresaw and intended.
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1 33. Defendant Cosby, through his authorized attorney and agent, made the following
2 purported statements of fact regarding Ms. Dickinson in the November 18 Press Statement:

3 a. *We are writing regarding your planned story regarding Janice Dickinson's new*
4 *false and outlandish claims about Mr. Cosby in her recent Entertainment Tonight interview,*
5 *asserting that he raped her in 1982 (the "Story").*

6 b. *That Story is fabricated and is an outrageous defamatory lie. ...*

7 c. *Her new Story claiming that she had been sexually assaulted is a defamatory*
8 *fabrication...*

9 d. *That never happened, just like the alleged rape never happened.*

10 e. *Ms. Dickinson completely fabricated the Story of alleged rape.*

11 34. Each of the purported statements of fact set forth above is false.

12 35. On or about November 19, 2014, Defendant Cosby published a second statement
13 to the press about Ms. Dickinson, through his authorized attorney and agent ("The November 19
14 Press Statement") which was republished by thousands of media entities worldwide, as
15 Defendant Cosby foresaw and intended.

16 36. Defendant Cosby made the following purported statements of fact regarding Ms.
17 Dickinson in The November 19 Press Statement:

18 a. *"Janice Dickinson's story accusing Bill Cosby of rape is a lie."*

19 b. *"Documentary proof and Ms. Dickinson's own words show that her new story about*
20 *something she now claims happened back in 1982 is a fabricated lie"*

21 37. Each of the purported statements of fact set forth above is false.

22 38. The November 18 Press Statement and the November 19 Press Statement
23 (collectively, the "Defamatory Press Statements") and each of them were unprivileged as no
24 litigation had been filed, threatened or contemplated by or between Ms. Dickinson and
25 Defendant Cosby at that time. In fact, Defendant Cosby knew that any actions based on
26 Defendant's drugging and sexual assault of Ms. Dickinson were time barred such that Ms.
27 Dickinson could not bring an action in 2014 for Defendant Cosby's actions in drugging and
28 raping her in 1982.

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1 39. The Defamatory Press Statements and each of them had a natural tendency to
2 injure Ms. Dickinson's reputation in the entertainment industry in which she works, and with
3 the public worldwide.

4 40. The Defamatory Press Statements were published by Defendant Cosby knowing
5 that they were false.

6 41. Defendant Cosby knows that he drugged and raped Ms. Dickinson. He knew that
7 calling her rape disclosure a lie was a false statement.

8 42. In the alternative, the Defamatory Press Statements and each of them were
9 published with reckless disregard as to their falsity.

10 **VI. DEFENDANT COSBY RATIFIES THE DEFAMATORY PRESS**
11 **STATEMENTS BY REFUSING TO RETRACT THEM**

12 43. After the Defamatory Press Statements were released, Ms. Dickinson, through
13 counsel, demanded a public retraction from Defendant Cosby in order to avoid the necessity of
14 this litigation, and included evidence that her claims were not "new," that she wanted her rape
15 disclosure included in her 2002 book, and other corroborating evidence proving that factual
16 allegations in the Defamatory Press Statements were false.

17 44. Nevertheless, Defendant Cosby failed and refused to retract his Defamatory
18 Press Statements, or any portion thereof.

19 45. The failure and refusal of Defendant Cosby to retract the Defamatory Press
20 Statements after having been provided with evidence of their falsity constitutes actual malice
21 and/or reckless disregard for the truth or falsity of the Defamatory Press Statements, and each of
22 them.

23 46. The failure and refusal of Defendant Cosby to retract the Defamatory Press
24 Statements after having been provided with evidence of their falsity constitutes acceptance,
25 endorsement and ratification of the Defamatory Press Statements, and each of them.

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FIRST CAUSE OF ACTION
(Defamation/Defamation Per Se)

47. Ms. Dickinson restates and incorporates by reference, as though fully set forth herein, the allegations contained in each of the paragraphs above.

48. The Defamatory Press Statements, and each of them, were false and unprivileged, were written and published with the goal of making Ms. Dickinson an object of ridicule, contempt, hatred or disgrace, and to bring her public and personal humiliation.

49. Defendant Cosby either knew that his statements were false or were published with reckless disregard as to their truth or falsity.

50. The Defamatory Press Statements and each of them, on their face tend to directly injure Ms. Dickinson in respect to her profession, trade and business by imputing dishonesty to her, effectively calling her a liar about a matter as deeply personal as having been raped.

51. As a direct and proximate result of the Defamatory Press Statements, and each of them, Ms. Dickinson has suffered and will suffer loss to her reputation, shame, mortification, and hurt feelings, all to her general damages.

52. As a further direct and proximate result of the Defamatory Press Statements, and each of them, Ms. Dickinson has suffered loss of business contracts, business engagements, celebrity show participation, and business deals and will continue to suffer loss of business, in an amount to be proven at trial.

53. As a result of this damage to her reputation, Ms. Dickinson's business and personal relationships have been, and will continue to be adversely affected.

54. By engaging in the above willful conduct with reckless disregard of truth or falsity, Defendants acted with actual malice and in reckless and conscious disregard to Ms. Dickinson's rights, entitling her to punitive damages.

SECOND CAUSE OF ACTION
(False Light)

55. Ms. Dickinson restates and incorporates by reference, as though fully set forth herein, the allegations contained in the paragraphs above.

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1 56. Defendants' Defamatory Press Statements contain numerous false implications
2 about Ms. Dickinson, including without limitation:

3 (i) that her rape disclosure is "new" or that she made it in 2014 "for the first time,"
4 that is, implying that Ms. Dickinson has falsely copied other claims made publicly by other
5 women against Defendant Cosby in 2014. In fact, as described herein above, Ms. Dickinson
6 disclosed to disinterested third parties that Defendant Cosby raped her years before any other
7 woman had publicly made such a claim.

8 (ii) the implication that Ms. Dickinson's rape disclosure is false and that therefore
9 she is a liar. In fact, Ms. Dickinson was drugged and raped by Defendant Cosby.

10 (iii) the implication that because Ms. Dickinson did not fully disclose the rape in her
11 2002 book that she is now lying about her rape disclosure. In fact, Ms. Dickinson was drugged
12 and raped by Defendant Cosby.

13 57. The unfair and inaccurate depictions of Ms. Dickinson, and the false impressions
14 and implications created by the Defamatory Press Statements are highly offensive to a
15 reasonable person of ordinary sensibilities in Ms. Dickinson's position.

16 58. Upon information and belief, members of the community understood that the
17 statements were about Ms. Dickinson as the statements were about, concerning, and mentioned
18 Ms. Dickinson expressly.

19 59. The Defamatory Press Statements, and each of them, had a natural tendency to
20 injure Ms. Dickinson's reputation in the entertainment industry in which she works, and with
21 the public worldwide.

22 60. The Defamatory Press Statements were published by Defendant Cosby knowing
23 that they contained unfair and inaccurate depictions of Ms. Dickinson, and false implications
24 that would damage Ms. Dickinson's reputation in the community.

25 61. Defendant Cosby knows that he drugged and raped Ms. Dickinson. He knew that
26 implying that her claims were new and/or lies put Ms. Dickinson in a false light.

27 62. In the alternative, the false implications, and each of them, contained in the
28 Defamatory Press Statements were published with reckless disregard as to their truth or falsity.

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63. Upon information and belief, the wrongful conduct of Defendant Cosby was a substantial factor in causing Ms. Dickinson harm, including but not limited to harm to Ms. Dickinson's trade, profession, and/or occupation, and harm to Ms. Dickinson's reputation.

64. As a direct and proximate result of the above-described statements and depictions, Ms. Dickinson has suffered and will suffer emotional distress, loss to her reputation, shame, mortification, and hurt feelings, and has been, and continues to be, embarrassed and humiliated by the false statements and implications and reasonable fear that she will be shunned, avoided and subjected to ridicule.

65. Additionally, as a direct and proximate result of the above-described statements and depictions, Ms. Dickinson has suffered, and will continue to suffer, significant damage to her reputation and to her livelihood.

66. Defendants have acted with knowledge that their depictions of Ms. Dickinson were false or with a reckless disregard of truth or falsity. Defendants' conduct was intended by them to cause injury to Ms. Dickinson, and was despicable conduct carried on with a willful and conscious disregard of the rights and reputation of Ms. Dickinson. As such, Ms. Dickinson is entitled to recover punitive damages in an amount sufficient to punish Defendants and deter them from such conduct in the future.

THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

67. Ms. Dickinson restates and incorporates by reference, as though fully set forth herein, the allegations contained in the paragraphs above.

68. Rape is a horrific crime under any circumstances. Drugging a victim in addition to raping her makes the crime all the more egregious. Talking about having been victimized by a rapist who drugged her to unconsciousness was an intensely vulnerable and stressful experience for Ms. Dickinson. It is in this context that Defendant Cosby chose to disseminate the Defamatory Press Statements falsely telling the world that she is a liar, heaping opprobrium on his rape victim.

69. Defendant Cosby's choice to vilify and publicly attack Ms. Dickinson after

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1 she had just truthfully disclosed her experience of having been drugged and raped by him
2 was extreme and outrageous conduct that no reasonable person in a civilized society should
3 be expected to endure.

4 70. Defendant Cosby's choice to joke about drugging women's drinks in a
5 comedy show after the disclosure by Ms. Dickinson and many other women that he had
6 done so and then raped them, causing them pain, suffering and trauma, was further extreme
7 and outrageous conduct that no reasonable person in a civilized society should be forced to
8 endure.

9 71. In committing the intentional and outrageous acts described more fully above,
10 Defendant Cosby intended to cause Ms. Dickinson severe emotional distress and/or Defendant
11 Cosby acted with reckless disregard for the probability of inflicting humiliation, mental anguish,
12 and severe emotional distress on Ms. Dickinson.

13 72. As a direct and proximate cause of Defendant Cosby's conduct, Ms. Dickinson
14 has suffered and will continue to suffer humiliation, mental anguish, severe emotional distress,
15 and other special and general damages according to proof.

16 73. The extreme and outrageous conduct of Defendants, and each of them, as alleged
17 herein, was malicious, despicable, or oppressive in that Defendants, and each of them, acted
18 with full knowledge of the consequences to Ms. Dickinson as alleged herein, with the intent to
19 discredit her, harm her reputation, harass, or retaliate against Ms. Dickinson with a willful,
20 conscious, wanton, and reckless disregard for her rights and for the deleterious consequences
21 and cruel and unjust hardship resulting to Ms. Dickinson from the conduct of Defendants.
22 Accordingly, Ms. Dickinson is entitled to punitive damages in an amount to be proven at trial.

23 **PRAYER**

24 WHEREFORE, Ms. Dickinson prays for judgment against Defendants as follows:

- 25 1. For general damages according to proof at trial;
- 26 2. For special damages according to proof at trial;
- 27 3. For presumed damages;
- 28 4. For punitive damages;

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- 1 5. For costs of suit incurred herein; and
- 2 6. For such other and further relief as the Court deems just and proper.
- 3

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff Janice Dickinson hereby demands a trial by jury.

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7 DATED: May 20, 2015

Respectfully submitted,

THE BLOOM FIRM

By: 

Lisa Bloom

Nadia Taghizadeh

Attorneys for Plaintiff Janice Dickinson

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