

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK _____ X

No.: _____

KADIAN NOBLE,

Plaintiff,

COMPLAINT AND DEMAND
FOR JURY TRIAL

- vs -

HARVEY WEINSTEIN, BOB WEINSTEIN, and THE
WEINSTEIN COMPANY LLC,
Defendants.

_____ X

Plaintiff, KADIAN NOBLE, by and through her undersigned counsel, hereby files this Complaint and Demand for Jury Trial against Defendants HARVEY WEINSTEIN, BOB WEINSTEIN, and THE WEINSTEIN COMPANY LLC, as follows:

INTRODUCTION

This is a civil action for damages under the Federal sex trafficking statute, 18 U.S.C. §§1591, 1595, arising from Defendant HARVEY WEINSTEIN’s sexual assault of Plaintiff, KADIAN NOBLE, in Cannes, France. HARVEY WEINSTEIN, travelling in foreign commerce, recruited and enticed a young aspiring actress, Plaintiff KADIAN NOBLE, with the promise of a film role, knowing that he would use means of force, fraud or coercion to cause her to engage in a sex act in his hotel room. Defendants, BOB WEINSTEIN and THE WEINSTEIN COMPANY LLC, participated in this venture of HARVEY WEINSTEIN, knowing, or in reckless disregard of the fact, that he would use force, fraud or coercion to engage aspiring young actresses in sexual activity.

HERMAN
LAW

PARTIES AND JURISDICTION

1. Plaintiff KADIAN NOBLE (hereinafter referred to as “KADIAN” or “PLAINTIFF”) is sui juris and is a citizen and resident of the United Kingdom.

2. Defendant HARVEY WEINSTEIN is a citizen and resident of New York, New York.

3. Defendant THE WEINSTEIN COMPANY LLC (hereinafter referred to as “TWC”) is a Delaware limited liability company whose principal place of business is in New York, New York.

4. Defendant BOB WEINSTEIN is a citizen and resident of New York, New York. He is the co-founder and Chairman of TWC. Upon information and belief, BOB WEINSTEIN owns 42% of the equity in TWC.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 as this action arises under the law of the United States.

6. This Court is “an appropriate district court of the United States” in accordance with 18 U.S.C. §1595.

FACTUAL ALLEGATIONS

7. HARVEY WEINSTEIN is a renowned film producer who travels abroad and to different states in the United States for his business, where he recruits, solicits and entices young female actresses with promises of film roles and other financially beneficial entertainment projects. This was a common practice of HARVEY WEINSTEIN, well-known to BOB WEINSTEIN and TWC.

8. TWC and BOB WEINSTEIN were aware that HARVEY WEINSTEIN engaged in such conduct while he was abroad promoting TWC projects, and facilitated these trips for him. BOB WEINSTEIN and TWC benefitted financially from HARVEY WEINSTEIN promoting films on these trips.

9. HARVEY WEINSTEIN, TWC and BOB WEINSTEIN knew, or recklessly disregarded the fact that, HARVEY WEINSTEIN used means of force, fraud or coercion to cause young female actresses to whom he had promised film roles or entertainment projects to engage in sex acts.

10. Prior to February, 2014, on a trip from the United States to London, HARVEY WEINSTEIN groomed KADIAN by telling her that he had a role in mind for her and that “it will be good for you”. HARVEY WEINSTEIN further introduced KADIAN to his executive assistant.

11. KADIAN’S contact with HARVEY WEINSTEIN was of tremendous significance to the future of her acting career. HARVEY WEINSTEIN was a gatekeeper of enormous influence in the entertainment industry, and had the power to advance her career exponentially through auditions, readings, introductions and consideration for roles, in addition to roles in TWC projects.

12. HARVEY WEINSTEIN promised KADIAN the role in the TWC project and further that he would use his influence to advance her acting career.

13. KADIAN visited HARVEY WEINSTEIN’s office in London and gave his executive assistant her “reel”, *i.e.*, a sample of her acting work, to forward to HARVEY WEINSTEIN, per the executive assistant’s request.

14. In or about February, 2014, HARVEY WEINSTEIN approached KADIAN at Le Majestic Hotel in Cannes, France. HARVEY WEINSTEIN asked KADIAN to come to his hotel

room to review her reel with her and discuss further steps in securing the role he had previously targeted for her.

15. KADIAN came to HARVEY WEINSTEIN'S hotel room. Once in the room, HARVEY WEINSTEIN instructed KADIAN to have a seat on the couch.

16. HARVEY WEINSTEIN sat next to KADIAN on the couch and had her play him her reel. HARVEY WEINSTEIN began massaging KADIAN and then gripped her shoulders. He informed her that she needed to relax, and if she did, his people would have all of her details and would "take care of everything" for her.

17. HARVEY WEINSTEIN then informed KADIAN that for "audition purposes" she needed to walk up and down the room for him, for which she complied.

18. HARVEY WEINSTEIN then called an unnamed TWC producer in the United States and put him on the phone with KADIAN. The TWC producer told KADIAN that she needed to be "a good girl and do whatever he wished", and if she did, then "they would work" with her further.

19. HARVEY WEINSTEIN then pulled KADIAN closer and groped her breasts. KADIAN resisted, exclaiming "No, Harvey, No!" However, at the same time KADIAN felt compelled to comply because of the tangible and intangible benefits HARVEY WEINSTEIN offered to advance her career, which she would receive from a favorable relationship with him.

20. HARVEY WEINSTEIN forcibly pulled KADIAN into the bathroom. He told KADIAN to relax while he gripped her firmly. HARVEY WEINSTEIN then started to rub KADIAN's breast and buttocks.

21. KADIAN told him to stop and attempted to leave the bathroom, but HARVEY WEINSTEIN blocked her exit.

22. HARVEY WEINSTEIN then pulled down KADIAN's shirt, revealing her breasts, and unbuckled his pants and belt. Once again, KADIAN pleaded with him to stop.

23. HARVEY WEINSTEIN then forced his leg between KADIAN's legs, began rubbing her vagina, and then took his penis out and began masturbating. In a panic, KADIAN again implored him to stop, and struggled against him physically, trying to escape the bathroom.

24. HARVEY WEINSTEIN then forcefully grabbed KADIAN's hand, placed it on his penis, and forced her hand to masturbate him. HARVEY WEINSTEIN used his other hand to control KADIAN and defeat her resistance. HARVEY WEINSTEIN, once again, told her to relax and "everything will be taken care of for you if you relax."

25. HARVEY WEINSTEIN then ejaculated onto the bathroom floor.

26. As KADIAN left the room, HARVEY WEINSTEIN informed her that "his people" will be in touch with her, which she understood to refer to the role he had promised and other benefits offered.

27. As a direct and proximate result of the foregoing, KADIAN has suffered severe injuries and emotional distress, pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life, inability to lead a normal life, shame and humiliation. Alternatively or in addition, KADIAN sustained an aggravation of an existing condition or activation of a latent condition and resulting damages. The injuries and damages are permanent and continuing in nature.

Count I
Violation of 18 U.S.C. §1591
Against HARVEY WEINSTEIN

28. Plaintiff repeats and realleges the allegations in paragraphs 1 through 27 above.

“Knowingly – in or affecting interstate or foreign commerce...”

29. HARVEY WEINSTEIN, as he had done on many occasions, traveled for his business to London, England, and Cannes, France, where he promised a film role to KADIAN.

“recruits, entices...or solicits by any means a person...”

30. HARVEY WEINSTEIN approached KADIAN in Cannes, brought her into his hotel room, and assured her that he would provide her the role he discussed with her previously in London, England.

**“knowing...that means of force, threats of force, fraud, coercion...or any combination of such means will be used to cause the person to engage in a commercial sex act”
(commercial sex act is defined as any sex act, on account of which anything of value is given to or received by any person)**

31. HARVEY WEINSTEIN knew that he would use fraud, physical force or coercion (as he had done many times before to many other young aspiring actresses) on KADIAN for a sexual encounter. He offered her a role, repeatedly telling her that if she “relaxes”, everything would be taken care of for her.

32. HARVEY WEINSTEIN was well aware that a role in one of his projects, or the exercise of his influence on her behalf in the entertainment business, was of significant commercial value to KADIAN, and HARVEY WEINSTEIN used this promise of a role, or the prospective use of his influence on her behalf, to recruit and entice KADIAN to his hotel room where he would perform sex acts.

33. HARVEY WEINSTEIN’S offer of a film role, and the offer to use his influence on her behalf, was successful in enticing and maintaining KADIAN in his hotel room. KADIAN felt compelled to comply with HARVEY WEINSTEIN’S acts toward her because of the benefits she would receive from his power and influence, including without limitation, a film role in an

upcoming TWC project. HARVEY WEINSTEIN then used physical force to perform the sexual act. This was a typical practice of HARVEY WEINSTEIN, as it was common for him to lure young females into his room with a promise of a film role or entertainment project, and then force or coerce them into a sexual encounter. HARVEY WEINSTEIN knew that the promise of a role or the use of his influence on her behalf would entice KADIAN into his hotel room, and knew that once there he was in a position to force the sexual activity he desired.

34. HARVEY WEINSTEIN was able to force or coerce KADIAN into sexual activity in his hotel room because of his promise to her of a film role and use of his influence on her behalf.

35. HARVEY WEINSTEIN actively had no intention of following through with his promise of a role in a TWC project. Instead, he used this ploy as a fraudulent means of obtaining sexual gratification.

36. In sum, HARVEY WEINSTEIN traveled in foreign commerce, knowingly recruiting or enticing KADIAN, offering her something of value, knowing that he would use this offer as a means to defraud, force or coerce her into a sexual encounter. HARVEY WEINSTEIN ultimately forced KADIAN into sexual acts.

WHEREFORE, Plaintiff requests judgment for compensatory damages, reasonable attorneys' fees and punitive damages against Defendant HARVEY WEINSTEIN pursuant to 18 U.S.C. §1595 and applicable law, and such other and further relief as is just and proper.

Count II
Participating in a Venture in Violation of 18 U.S.C. §1591
Against THE WEINSTEIN COMPANY LLC

37. Plaintiff repeats and realleges the allegations in paragraphs 1 through 36 above.

38. TWC knowingly participated in HARVEY WEINSTEIN's venture in violation of 18 U.S.C. §1591 by benefiting from, and knowingly facilitating, the venture in which HARVEY WEINSTEIN traveled in foreign commerce to recruit or entice female actors into forced or coerced sexual encounters on the promise of roles in films or entertainment projects.

39. TWC knew, or was in reckless disregard of the facts, that it was the practice of HARVEY WEINSTEIN to travel in interstate and foreign commerce to entice or recruit young female actors into defrauded, forced or coerced sexual acts based on the promise of participation in upcoming entertainment projects or the use of his influence in their favor.

40. TWC had been privy to multiple claims in which such acts were alleged against HARVEY WEINSTEIN, prior to February, 2014.

41. Despite such knowledge, TWC continued to pay for and facilitate these foreign trips of HARVEY WEINSTEIN. Further, TWC employees aided the commercial sex acts by facilitating the auditions and roles for these young female actors.

42. Upon information and belief, the code word among TWC employees "FOH", meant "Friend of Harvey", and referred to a young woman who had participated in sex in exchange for a role or position in an upcoming project. TWC employees knew to "take care" of the FOH's.

43. Multiple TWC employees participated in the recruitment or enticement of KADIAN into a victim of a commercial sex act. In an apparent attempt to entice KADIAN into sex with HARVEY WEINSTEIN, an unnamed TWC producer told KADIAN that she needed to be "a good girl and do whatever [he] wished", and if she did, then "they will work with [her] further."

44. Another TWC employee and executive assistant to HARVEY WEINSTEIN spoke with KADIAN and had her provide her reel to be forwarded to HARVEY in the scheme.

45. These TWC employees benefitted from the venture. Upon information and belief, in exchange for facilitating and covering up HARVEY WEINSTEIN's commercial sex acts, the TWC employees progressed in their careers at TWC and received financial benefits.

46. Upon information and belief, participating and covering up HARVEY WEINSTEIN's scheme was a means of obtaining success and growth within the hierarchy at WTC. In other words, those who participated in the scheme received better assignments and compensation.

47. TWC knowingly benefitted financially from the commercial sex act venture of HARVEY WEINSTEIN, including the profits from the films HARVEY WEINSTEIN promoted on his trips. By facilitating HARVEY WEINSTEIN's commercial sex acts in foreign commerce, TWC enjoyed the promotion and promulgation of TWC projects internationally. HARVEY WEINSTEIN was the face of TWC and his presence and promotion in foreign commerce brought exposure and prestige to TWC films. TWC facilitated HARVEY WEINSTEIN's commercial sex acts in foreign commerce to obtain the enormous publicity HARVEY WEINSTEIN garnered by promoting TWC films internationally, which financially benefitted TWC.

WHEREFORE, Plaintiff requests judgment for compensatory damages, reasonable attorneys' fees and punitive damages against Defendant THE WEINSTEIN COMPANY LLC pursuant to 18 U.S.C. §1595 and applicable law, and such other and further relief as is just and proper.

Count III
Participating in a Venture in Violation of 18 U.S.C. §1591
Against BOB WEINSTEIN

48. Plaintiff repeats and realleges the allegations in paragraphs 1 through 36 above.

HERMAN
LAW

49. BOB WEINSTEIN knowingly participated in HARVEY WEINSTEIN's venture in violation of 18 U.S.C. §1591 by benefiting from, and knowingly facilitating, the venture in which HARVEY WEINSTEIN travelled in foreign commerce to recruit or entice female actors, knowing that he would use fraud, force or coercion for sex with these female actors.

50. Upon information and belief, by facilitating HARVEY WEINSTEIN's commercial sex acts in foreign commerce, BOB WEINSTEIN enjoyed the promotion and promulgation of TWC projects internationally. HARVEY WEINSTEIN was the face of TWC and his presence and promotion in foreign commerce brought exposure and prestige to TWC films. BOB WEINSTEIN facilitated commercial sex acts in foreign commerce by HARVEY WEINSTEIN to obtain the enormous publicity HARVEY WEINSTEIN garnered by promoting TWC films internationally, which financially benefitted both TWC and BOB WEINSTEIN given his substantial interest in TWC.

51. BOB WEINSTEIN knew, or was in reckless disregard of the facts, that it was the pattern and practice of HARVEY WEINSTEIN to travel in interstate and foreign commerce to entice or recruit solicit young female actors with the promise of roles in upcoming TWC projects or use of his influence on their behalf, knowing that he would then use fraud, force or coercion to engage in sex acts with these actors.

52. BOB WEINSTEIN has been privy to multiple claims in which such acts and conduct were alleged against HARVEY WEINSTEIN, prior to February, 2014.

53. Despite such knowledge, BOB WEINSTEIN, as an executive of TWC, continued to pay for and facilitate these foreign trips for HARVEY WEINSTEIN.

54. BOB WEINSTEIN knowingly benefitted financially from the venture of HARVEY WEINSTEIN in which he used fraud, force or coercion to cause young female actresses to engage in commercial sex acts involving the promise of film roles or entertainment projects.

WHEREFORE, Plaintiff requests judgment for compensatory damages, reasonable attorneys' fees and punitive damages against Defendant BOB WEINSTEIN pursuant to 18 U.S.C. §1595, and such other and further relief as is just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury and all issues so triable as a matter of right.

Dated: Boca Raton, FL
November 27, 2017

Respectfully submitted,

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By: /s/ Stuart S. Mermelstein

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