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10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

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14 JENNIFER JAROSIK, an individual,

15
16 Plaintiff,

17 vs.

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19 RUSSELL WENDELL SIMMONS, an
20 individual,

21 Defendant.
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Case No.

COMPLAINT FOR DAMAGES FOR

**1. SEXUAL ASSAULT AND
BATTERY**

**2. INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS**

**3. NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS**

1 Plaintiff Jennifer Jarosik (hereinafter “Jarosik” or “Plaintiff”), hereby
2 alleges, based upon information and belief, except as to allegations concerning Ms.
3 Jarosik, or her counsel, which allegations are made upon personal knowledge,
4 against Defendant Russell Wendell Simmons (“Simmons” or “Defendant”), as
5 follows:

6 **SUMMARY OF CASE**

7 1. By means of this lawsuit, Ms. Jarosik seeks to halt and obtain redress of
8 the sexual assault and rape committed by Defendant Simmons against her person.

9 2. Specifically, this lawsuit chronicles how a woman who while pursuing
10 her passion and dream of producing a documentary, was sexually exploited,
11 sexually battered, and raped by Defendant Simmons after she approached him to be
12 interviewed, and help her produce and finance her film. Defendants Simmons
13 reputation as a spiritual conscious person caused her to trust Defendant Simmons
14 who promised her help to make her film and befriended her only to be victimized
15 when he invited her to his home in Los Angeles, on the pretext that they would be
16 discussing her project, only to be attacked, and raped by him. Defendant, by reason
17 of his experience in the entertainment industry exerted significant influence over her
18 career. The sexual battery and severe emotional distress they have caused is
19 detailed in this complaint.

20 3. Ms. Jarosik is a thirty-seven (37) year-old white woman, who came to
21 Los Angeles, CA, to pursue her passion as a documentary film maker.

22 4. Defendant Russell Simmons is a music producer, CEO of Rush
23 Communications, and he cofounded the hip-hop music label Def Jam Recordings.

24 5. The sexual exploitation of women is pervasive in the hip hop and music
25 industry culture. Plaintiff hopes that through this lawsuit, the Hip Hop industry
26 faces the music and recognizes that the deep-rooted history of misogyny and
27 discrimination against women in the music industry has to come to an end, now.

#TimesUp.

1 25. As further legal result of the acts and omissions of the Defendants, and
2 each of the, plaintiff has been forced to incur expenses for medical care and
3 depression medication, during the period of Plaintiff's disability, and is informed
4 and believes, and thereon alleges, that Plaintiff will in the future be forced to incur
5 additional expenses of the same nature. Expenses are in an amount which is at
6 present, unknown. Plaintiff will pray leave of court to show the exact amount of
7 said expenses at the time of trial.

8 26. Prior to the occurrence of the incidents, Plaintiff was an able-bodied
9 individual, but since said incidents, plaintiff has bene unable to engage fully in her
10 occupation, and is informed and believes, and thereon alleges, that plaintiff will be
11 incapacitated and unable to perform her usual work for an indefinite period of time
12 in the future, all to Plaintiff's damage in an amount which is at present
13 unascertained. Plaintiff will pray leave of court to show the total amount of loss of
14 earnings at the time of trial.

15 27. As a further direct and legal result of the acts and conduct of
16 Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to
17 suffer severe and permanent emotional and mental distress and anguish, humiliation,
18 embarrassment, fright, discomfort, anxiety and depression. The exact nature and
19 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court
20 to assert the same when they are ascertained.

21 28. The aforementioned acts of Defendants, and each of them, were willful,
22 wanton, malicious, intentional, oppressive and despicable and were done in willful
23 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
24 justifying the awarding of punitive and exemplary damages of \$5,000,000.

25 **#TimesUp.**
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1 **SECOND CAUSE OF ACTION**

2 **(Intentional Infliction of Emotional Distress)**

3 29. Plaintiff hereby incorporates by reference the allegations contained in
4 for foregoing paragraphs as though fully set forth herein.

5 30. Defendant knew or, in the exercise of reasonable care, should have
6 known, that the abusive and outrageous conduct would cause, and did cause, Plaintiff
7 mental distress, and was so extreme so as to exceed all bounds of that usually tolerated
8 in a decent and civilized society.

9 31. By the aforesaid acts and conduct of Defendants, and each of them,
10 Plaintiff has been directly and legally caused plaintiff to suffer actual damages
11 pursuant to California *Civil Code* § 3333, including, but not limited to, loss of
12 earnings and future earning capacity, medical and related expenses for care and
13 procedures both now and in the future, attorney's fees, and other pecuniary loss not
14 presently ascertained, for which plaintiff will seek leave of court to amend when
15 ascertained.

16 32. As a direct and legal result of the acts and omissions of Defendants, and
17 each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both
18 internally and externally, and suffered, among other things, numerous internal
19 injuries, severe fright, shock, pain, discomfort and anxiety. The exact nature and
20 extent of said injuries are not known to the plaintiff, who will pray leave of court to
21 insert the same when they are ascertained. Plaintiff does not at this time know the
22 exact duration of permanence of said injuries, but is informed and believes, and
23 thereon alleges, that some of the said injuries are reasonably certain to be permanent
24 in character.

25 33. As further legal result of the acts and omissions of the Defendants, and
26 each of the, plaintiff has been forced to incur expenses for medical care and
27 depression medication, during the period of Plaintiff's disability, and is informed
and believes, and thereon alleges, that Plaintiff will in the future be forced to incur

1 additional expenses of the same nature. Expenses are in an amount which is at
2 present, unknown. Plaintiff will pray leave of court to show the exact amount of
3 said expenses at the time of trial.

4 34. Prior to the occurrence of the incidents, Plaintiff was an able-bodied
5 individual, but since said incidents, plaintiff has bene unable to engage fully in her
6 occupation, and is informed and believes, and thereon alleges, that plaintiff will be
7 incapacitated and unable to perform her usual work for an indefinite period of time
8 in the future, all to Plaintiff's damage in an amount which is at present
9 unascertained. Plaintiff will pray leave of court to show the total amount of loss of
10 earnings at the time of trial.

11 35. As a further direct and legal result of the acts and conduct of
12 Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to
13 suffer severe and permanent emotional and mental distress and anguish, humiliation,
14 embarrassment, fright, discomfort, anxiety and depression. The exact nature and
15 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court
16 to assert the same when they are ascertained.

17 36. Plaintiff has been generally damaged in an amount within the
18 jurisdictional limits of this court.

19 37. The aforementioned acts of Defendants, and each of them, were willful,
20 wanton, malicious, intentional, oppressive and despicable and were done in willful
21 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
22 justifying the awarding of punitive and exemplary damages of \$5,000,000.
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THIRD CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)

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3 38. Plaintiff hereby incorporates by reference the allegations contained in the
4 foregoing paragraphs as if fully set forth herein.

5 39. Defendant knew or reasonably should have known that the conduct
6 described herein would and did proximately result in emotional distress to Plaintiff.

7 40. At all relevant times, the Defendant, had the power, ability, authority, and
8 duty to stop engaging in the conduct described herein and/or to intervene to prevent
9 or prohibit said conduct.

10 41. Despite said knowledge, power, and duty, Defendant negligently failed to
11 act so as to stop engaging in the conduct described herein and/or to prevent or prohibit
12 such conduct or otherwise protect Plaintiff from foreseeable injury. To the extent that
13 said negligent conduct was perpetrated by the Defendant, which was confirmed and
14 ratified with the knowledge that Plaintiff's emotional distress would thereby increase,
15 and with a wanton and reckless disregard for the deleterious consequences to Plaintiff.

16 42. As a direct and proximate result of Defendant's unlawful conduct,
17 Plaintiff has suffered and continues to suffer serious emotional distress, anguish,
18 emotional injuries, as well as economic harm, all to her damage in amounts to be
19 proven at trial.

20 43. As a direct and legal result of the acts and omissions of Defendants, and
21 each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both
22 internally and externally, and suffered, among other things, numerous internal
23 injuries, sever fright, shock, pain, discomfort and anxiety. The exact nature and
24 extent of said injuries are not known to the plaintiff, who will pray leave of court to
25 insert the same when they are ascertained. Plaintiff does not at this time know the
26 exact duration of permanence of said injuries, but is informed and believes, and
27 thereon alleges, that some of the said injuries are reasonably certain to be permanent
in character.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jarosik, on behalf of herself individually, demands judgment as follows:

- a. For general damages, according to proof at trial;
- b. For special damages, according to proof at trial;
- c. For exemplary or punitive damages against Defendants for their oppressive, fraudulent, and malicious conduct in the sum of \$5,000,000;
- d. Pre-judgment and post-judgment interest at the maximum rate allowable at law;
- e. The costs and disbursements incurred by Plaintiff in connection with this action, including reasonable attorneys' fees and costs of suit; and
- f. Such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiff Jarosik, hereby demands a trial by jury.

Dated: January 24, 2018

Perry Wander

Law Offices of Perry C. Wander
 Perry C. Wander, Esq.
 Attorney for Plaintiff Jennifer Jarosik

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