

Dept. # SSCS Assigned W

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FILED
Superior Court of California
County of Los Angeles

SEP 27 2018

Sherri R. Carter, Executive Officer, Clerk of Court
By Judi Lee, Deputy
Judi Lee

Attorneys for PLAINTIFF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BC 7 2 3 5 6 8

JOHN DOE, an individual,

vs.

KEVIN SPACEY FOWLER, an individual

Defendant.

Case No.:

COMPLAINT FOR:

1. Sexual Battery in Violation of Cal. Civ. Code § 1708.5
2. Gender Violence in Violation of Cal. Civ. Code § 52.4
3. Battery
4. Assault
5. Intentional Infliction of Emotional Distress CIT/CASE: BC723568
6. False Imprisonment

DEMAND FOR JURY TRIAL

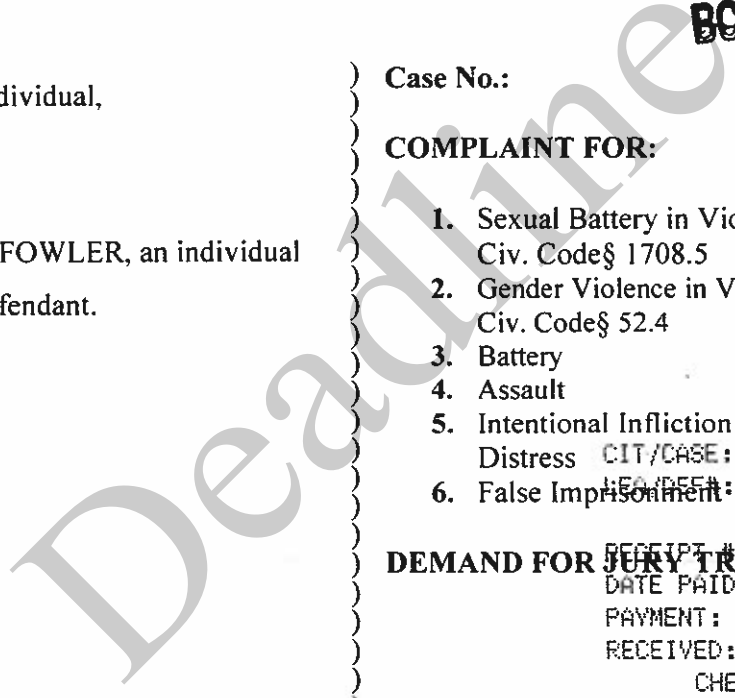
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DATE PAID: 09/27/18 03:56 PM
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CARD: \$0.00

NATURE OF ACTION

1. PLAINTIFF JOHN DOE ("PLAINTIFF" or "DOE"), brings this action against Defendant KEVIN SPACEY FOWLER ("DEFENDANT" or "SPACEY") seeking statutory, compensatory, and punitive damages, penalties, interest as allowed by law, costs, attorneys' fees, and other appropriate and just relief due to SPACEY'S unlawful conduct in violation of California law.

FSC: 03 / 12 / 2020 TRIAL: 03 / 27 / 2020 OSC: 09 / 27 / 2021 A7230

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1 **11.** In response to PLAINTIFF's question about whether he needed to be aware of any
2 problem areas for the massage, SPACEY stated words to the effect that he was having some pain or
3 discomfort in his groin area.

4 **12.** Although PLAINTIFF instructed SPACEY to lay face down on the massage table under
5 the top sheet, SPACEY laid down on the massage table facing up.

6 **13.** The massage proceeded normally for at first, after which, while PLAINTIFF was
7 massaging SPACEY's leg, SPACEY grabbed PLAINTIFF's hand and pulled it onto SPACEY's
8 scrotum and testicles, which PLAINTIFF was forced by SPACEY's action to touch.

9 **14.** PLAINTIFF pulled away from SPACEY's body causing SPACEY to release his grip of
10 PLAINTIFF's hands.

11 **15.** PLAINTIFF initially gave SPACEY the benefit of the doubt and assumed he was
12 directing PLAINTIFF to massage the pain in his groin area. He began to massage SPACEY's leg
13 towards his groin area in a nonsexual, professional manner. SPACEY again grabbed PLAINTIFF's
14 hand, but this time forced PLAINTIFF's hand to rub his penis, scrotum, and testicles.

15 **16.** In shock, PLAINTIFF stepped backwards exclaiming words to the effect of "What are
16 you doing? This is ridiculous. I am a professional. This is what I do for a living. I have a son."

17 **17.** SPACEY stood up from the massage table, exposing his naked body to PLAINTIFF.
18 He then moved towards PLAINTIFF stating "you have such beautiful eyes," and grabbed
19 PLAINTIFF's shoulders pulling him closer, for what felt to PLAINTIFF like an attempted kiss. While
20 PLAINTIFF continued backing away from SPACEY's naked body stating words to the effect that
21 "this is over -- just let me go," SPACEY grabbed PLAINTIFF's genitals over his clothing and said
22 words to the effect "just let me give you a blow job."

23 **18.** Only after PLAINTIFF repeated, "this is over – just let me go," did SPACEY
24 eventually allow PLAINTIFF to leave.

25 **19.** PLAINTIFF hurriedly grabbed his massage table, leaving behind other materials like
26 the sheets and oil, and fled the Residence.

27 **20.** SPACEY assaulted and battered PLAINTIFF by forcing PLAINTIFF to touch his
28 scrotum, testicles, and penis, grabbing PLAINTIFF's shoulders and pulling him in for an apparent

1 attempted forced kiss, and grabbing PLAINTIFF's genitalia.

2 21. During these assaults, PLAINTIFF repeatedly asked SPACEY to allow him to leave,
3 but SPACEY blocked access to PLAINTIFF's massage table and the door with his naked body.

4 22. PLAINTIFF reported the assaults to the Los Angeles Police Department.
5

6 **FIRST CAUSE OF ACTION**

7 **(Sexual Battery in Violation of Cal. Civ. Code §1708.5)**

8 23. PLAINTIFF restates and incorporates by reference every allegation in the foregoing
9 paragraphs as though set forth herein.

10 24. Cal. Civ. Code Section 1708.5(a) provides: A person commits a sexual battery who does
11 any of the following: (1) acts with the intent to cause a harmful or offensive contact with an intimate
12 part of another, and a sexually offensive contact with that person directly or indirectly results. (2) Acts
13 with the intent to cause a harmful or offensive contact with another by use of his or her intimate part,
14 and a sexually offensive contact with that person directly or indirectly results. (3) Acts to cause an
15 imminent apprehension of the conduct described in paragraph (1) or (2), and a sexually offensive
16 contact with that person directly or indirectly results.

17 25. Cal. Civ. Code Section 1708.5(d) defines "intimate part" as the sexual organ, anus,
18 groin, or buttocks of any person, or the breast of a female.

19 26. Cal. Civ. Code Section 1708.5(f) defines "offensive contact" to mean contact that
20 offends a reasonable sense of personal dignity.

21 27. PLAINTIFF alleges that SPACEY committed acts of civil sexual battery in violation of
22 Cal. Civ. Code Section 1708.5, when, on or about October 2016, SPACEY willfully, maliciously,
23 intentionally, and without the consent of PLAINTIFF, subjected PLAINTIFF to forceful, harmful, and
24 offensive touching of SPACEY's scrotum, testicles, and penis, grabbing and touching of
25 PLAINTIFF's body including his genitals without his consent and in spite of his express objection.

26 28. As a direct and/or proximate result of SPACEY's conduct as alleged hereinabove,
27 PLAINTIFF suffered and continues to suffer physical injury and emotional pain and distress including
28 fear, humiliation, grief, embarrassment, nervousness, worry, sadness, frustration, helplessness, stress,

1 unwelcome contact with PLAINTIFF's person.

2 41. At all relevant times, PLAINTIFF found the contact by SPACEY to be offensive to his
3 person and dignity. PLAINTIFF did not consent to any of the acts by SPACEY.

4 42. As a result of SPACEY's acts as hereinabove alleged, PLAINTIFF was physically
5 harmed and/or experienced offensive contact with his person.

6 43. As a direct and proximate result of SPACEY's unlawful conduct as alleged
7 hereinabove, PLAINTIFF suffered and continues to suffer physical injury, emotional pain and
8 distress, fear, humiliation, grief, embarrassment, nervousness, worry, anger, frustration, helplessness,
9 nervousness, sadness, stress, mental and emotional distress, anxiety, economic harm, and other
10 consequential damages, all in an amount exceeding the jurisdictional minimum of the Superior Court
11 according to proof at trial.

12 44. As a direct and proximate result of SPACEY's unlawful conduct as alleged
13 hereinabove, PLAINTIFF has suffered and continues to suffer economic harm and other consequential
14 damages, all in an amount according to proof at trial.

15 45. Based on information and belief, the aforementioned conduct by SPACEY was willful,
16 wanton, and malicious. At all relevant times, SPACEY acted with conscious disregard of
17 PLAINTIFF's rights and feelings. SPACEY also acted with the knowledge of or with reckless
18 disregard for the fact that his conduct was certain to cause injury and/or humiliation to PLAINTIFF.
19 PLAINTIFF is further informed and believes that SPACEY intended to cause fear, physical injury,
20 and/or pain and suffering to PLAINTIFF. By virtue of the foregoing, PLAINTIFF is entitled to
21 recover punitive and exemplary damages from SPACEY according to proof at trial.

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23 **FOURTH CAUSE OF ACTION**

24 **(Assault)**

25 46. PLAINTIFF restates and incorporates by reference every allegation in the foregoing
26 paragraphs as though set forth herein.

27 47. As alleged hereinabove, SPACEY assaulted PLAINTIFF by forcing him to remain at
28 the Residence by falsely imprisoning him in an upstairs room while demanding engagement in sexual

1 activities. SPACEY thereby intended to cause PLAINTIFF apprehension of an imminent harmful and
2 offensive contact with his person.

3 **48.** As a result of SPACEY's acts, PLAINTIFF was in fact, placed in great apprehension of
4 imminent harmful and offensive contact with his person.

5 **49.** In performing the acts alleged hereinabove, SPACEY acted with the intent of making
6 contact with PLAINTIFF's person.

7 **50.** PLAINTIFF did not consent to any of the acts by SPACEY as alleged hereinabove.

8 **51.** SPACEY's conduct as described above, caused PLAINTIFF to be apprehensive that
9 SPACEY would subject him to further intentional invasions and deprive him of his right to be free
10 from offensive and harmful contact and demonstrated that, at all times material herein, SPACEY had a
11 present ability to subject him to an intentional offensive and harmful touching.

12 **52.** As a direct and proximate result of SPACEY's unlawful conduct as alleged
13 hereinabove, PLAINTIFF suffered and continues to suffer physical injury and emotional distress
14 including fear, humiliation, embarrassment, mental and emotional distress, anger, and anxiety, and
15 economic harm, all in an amount exceeding the jurisdictional minimum of the Superior Court
16 according to proof at trial.

17 **53.** As a direct and proximate result of SPACEY's unlawful conduct as alleged
18 hereinabove, PLAINTIFF has suffered and continues to suffer economic harm and other consequential
19 damages, all in an amount according to proof at trial.

20 **54.** Based on information and belief, the aforementioned conduct by SPACEY was willful,
21 wanton, and malicious. At all relevant times, SPACEY acted with conscious disregard of the
22 PLAINTIFF's rights and feelings. SPACEY also acted with the knowledge of or with reckless
23 disregard for the fact that his conduct was certain to cause injury and/or humiliation to the
24 PLAINTIFF. PLAINTIFF is further informed and believes that SPACEY intended to cause fear,
25 physical injury and/or pain and suffering to the PLAINTIFF. By virtue of the foregoing, PLAINTIFF
26 is entitled to recover punitive and exemplary damages from SPACEY according to proof at trial.

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1 **FIFTH CAUSE OF ACTION**

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

3 55. PLAINTIFF restates and incorporates by reference every allegation in the foregoing
4 paragraphs as though set forth herein.

5 56. SPACEY knew or should have known that PLAINTIFF did not want to engage in any
6 sexual activity with him. Nonetheless, SPACEY held PLAINTIFF at the Residence against his will by
7 locking him in a room to sexually assault and batter PLAINTIFF, and expose himself to PLAINTIFF
8 for the purposes of sexual gratification prior to permitting PLAINTIFF to leave the Residence.

9 57. SPACEY's knowing disregard for the safety of PLAINTIFF and deliberate failure to
10 monitor or control his behavior caused PLAINTIFF to be repeatedly sexually battered and assaulted.

11 58. SPACEY's conduct was extreme and outrageous. SPACEY acted with reckless
12 disregard for PLAINTIFF's rights and feelings, and with deliberate indifference to the certainty that
13 PLAINTIFF would suffer emotional distress. As a direct and proximate result of SPACEY's actions,
14 PLAINTIFF has suffered and continues to suffer severe mental anguish, emotional pain and distress,
15 fear, humiliation, grief, embarrassment, nervousness, worry, anger, frustration, helplessness,
16 nervousness, sadness, stress, mental and emotional distress, and anxiety. The general and special
17 damages suffered by PLAINTIFF as a proximate result of the wrongful actions of the SPACEY
18 exceed the jurisdictional minimum of the Superior Court.

19 59. As a direct and proximate result of SPACEY's unlawful conduct as alleged
20 hereinabove, PLAINTIFF has suffered and continues to suffer economic harm and other consequential
21 damages, all in an amount according to proof at trial.

22 60. Based on information and belief, the aforementioned conduct by SPACEY was willful,
23 wanton, and malicious. At all relevant times, SPACEY acted with conscious disregard of the
24 PLAINTIFF's rights and feelings. SPACEY also acted with the knowledge of or with reckless
25 disregard for the fact that his conduct was certain to cause injury and/or humiliation to the
26 PLAINTIFF. PLAINTIFF is further informed and believes that SPACEY intended to cause fear,
27 physical injury and/or pain and suffering to the PLAINTIFF. By virtue of the foregoing, PLAINTIFF
28 is entitled to recover punitive and exemplary damages from SPACEY according to proof at trial.

1 **SIXTH CAUSE OF ACTION**

2 **(False Imprisonment)**

3 61. PLAINTIFF restates and incorporates by reference every allegation in the foregoing
4 paragraphs as though set forth herein.

5 62. SPACEY intentionally deprived PLAINTIFF of his freedom of movement by use of
6 physical barriers, threats of force, and unreasonable duress.

7 63. The restraint and confinement compelled PLAINTIFF to stay in the room for some
8 appreciable time, however short or long.

9 64. PLAINTIFF did not knowingly or voluntarily consent.

10 65. SPACEY had no lawful privilege to restrain or confine PLAINTIFF.

11 66. PLAINTIFF was harmed and SPACEY's conduct.

12 67. SPACEY's conduct as alleged hereinabove, was a substantial factor in causing
13 PLAINTIFF's harm including physical injury, emotional pain and distress, fear, humiliation, grief,
14 embarrassment, nervousness, worry, anger, frustration, helplessness, nervousness, sadness, stress,
15 mental and emotional distress, anxiety, economic harm, and other consequential damages, all in an
16 amount exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

17 68. As a direct and proximate result of SPACEY's unlawful conduct as alleged
18 hereinabove, PLAINTIFF has suffered and continues to suffer economic harm and other consequential
19 damages, all in an amount according to proof at trial.

20 69. Based on information and belief, the aforementioned conduct by SPACEY was willful,
21 wanton, and malicious. At all relevant times, SPACEY acted with conscious disregard of the
22 PLAINTIFF's rights and feelings. SPACEY also acted with the knowledge of or with reckless
23 disregard for the fact that his conduct was certain to cause injury and/or humiliation to the
24 PLAINTIFF. PLAINTIFF is further informed and believes that SPACEY intended to cause fear,
25 physical injury and/or pain and suffering to the PLAINTIFF. By virtue of the foregoing, PLAINTIFF
26 is entitled to recover punitive and exemplary damages from SPACEY according to proof at trial.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, PLAINTIFF seeks judgment be entered in his favor against SPACEY as follows:

3 1. General and special compensatory damages as set forth throughout the complaint
4 according to proof with prejudgment interest thereon to the extent allowable by law;

5 2. Damages for physical pain and distress, emotional pain and distress, fear, humiliation,
6 grief, nervousness, worry, sadness, anger, frustration, embarrassment, helplessness, stress, and related
7 emotional and mental anguish in an amount to be determined by the jury at the trial of this matter, as
8 allowed by law;

9 3. Attorneys' fees and costs, as allowed by law;

10 4. Interest, including prejudgment interest, as allowed by law;

11 5. Punitive and exemplary damages, as allowed by law;

12 6. Nominal damages, as allowed by law; and

13 7. Such other and further relief as the court deems just and proper.
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15 **JURY TRIAL DEMANDED**

16 PLAINTIFF JOHN DOE hereby demands trial by jury on all claims.
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18 **DATED: September 27, 2018**

Genie Harrison Law Firm, APC

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21 By: 

Genie Harrison, Esq.

Amber Phillips, Esq.

Mary Olszewska, Esq.

Attorneys for PLAINTIFF JOHN DOE
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