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OF ORIGINAL FILED
Los Angeles Superior Court

JUL 12 2012

John A. Clarke, Executive Officer/Clerk
By A. WILLIAMS
DEPUTY

CASE MANAGEMENT CONFERENCE

OCT 30 2012

Date

Attorney for Plaintiff:
TODD MOYER

Richard A. Stone *Dept. X 83500*

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

SC117729

SC117729

TODD MOYER, an individual,

Case No.:

Plaintiff,

COMPLAINT FOR DAMAGES

1. ASSAULT;

2. BATTERY;

3. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

vs.

BRENDAN FRASER, an individual, and
DOES 1 through 10, inclusive,

Defendant.

[Damages exceed \$25,000.00]

COMES NOW Plaintiff TODD MOYER (hereinafter referred to as "MOYER"), an individual, complains and alleges against Defendant BRENDAN FRASER (hereinafter referred to as "FRASER"), for causes of action as follows:

1 8. On or about July 27, 2011, at the Conrad Hilton Hotel, in Indianapolis, Indiana,
2 Defendant FRASER and Plaintiff had been working with screenwriters on a full length feature
3 film known as "The Legend of William Tell," when Defendant FRASER, in an intoxicated state,
4 began to physically push, verbally threaten, and poke Plaintiff in the chest repeatedly. Plaintiff
5 did not consent to Defendant's touching.

6 9. On or about January 31, 2012 at approximately 12:30 p.m. at the offices of Brillstein
7 Entertainment Partners, Defendant FRASER and Plaintiff had a meeting. Attending the meeting
8 and witnessing the events were Tracy Brennan, the co-head of motion picture talent at Creative
9 Artists Agency, Kim Hodgert, talent agent for Creative Artists Agency, and Eric Brevig, a well-
10 known movie director. Plaintiff had no idea that Tracy Brennan or Kim Hodgert were to attend
11 the meeting until moments before their arrival.

12 10. The meeting on January 31, 2012 was for the purpose of discussing the screenplay,
13 production schedule, start date and other matters related to the production of the full length
14 feature film known as "The Legend of William Tell." Defendant FRASER wanted Plaintiff to
15 hire Charlotte Huggins a producer who had worked with Defendant FRASER on a previous
16 feature length film known as "Journey to the Center of the Earth." Plaintiff refused Defendant
17 FRASER's request.

18 11. Upon Plaintiff's refusal, Defendant FRASER began screaming threats at Plaintiff and
19 then physically hit Plaintiff in his chest over twenty (20) times.

20 **CLAIMS FOR RELIEF**

21 **FIRST CAUSE OF ACTION**

22 **(Assault – Against All Defendants)**

23 12. Plaintiff realleges and incorporates by reference under this cause of action each and
24 every allegation made in each and every paragraph hereinabove, as if fully set forth hereunder.

25 13. On or about July 27, 2011, at the Conrad Hilton Hotel, in Indianapolis, Indiana,
26 Defendant FRASER intentionally, willfully, wantonly and maliciously threatened to strike
27 Plaintiff and did raise his hand in such a manner so as to cause Plaintiff to reasonably believe he
28 was about to be struck in a harmful and offensive manner. A reasonable person in Plaintiff's
situation would have been offended by the threatened violent touching.

1 14. On or about January 31, 2012 at the offices of Brillstein Entertainment Partners
2 located in Los Angeles, California, Defendant FRASER intentionally, willfully, wantonly and
3 maliciously threatened to strike Plaintiff and did raise his hand in such a manner so as to cause
4 Plaintiff to reasonably believe he was about to be struck in a harmful and offensive manner. A
5 reasonable person in Plaintiff's situation would have been offended by the threatened violent
6 touching.

7 15. As a direct and proximate result of Defendant's conduct, Plaintiff suffered extreme
8 mental anguish and is entitled to an award of General Damages in an amount to be proven at
9 time of trial.

10 16. Defendant's act was done knowingly, willfully, and with malicious intent, and
11 Plaintiff is entitled to an award of punitive damages in an amount to be determined by proof at
12 time of trial.

13 **SECOND CAUSE OF ACTION**
14 **(Battery – Against All Defendants)**

15 17. Plaintiff realleges and incorporates by reference under this cause of action each and
16 every allegation made in each and every paragraph herein above, as if fully set forth hereunder.

17 18. On or about July 27, 2011, at the Conrad Hilton Hotel, located in Indianapolis,
18 Indiana, Defendant FRASER intentionally, willfully, wantonly and maliciously struck Plaintiff
19 in the chest approximately four times (4) times in such a manner so as to cause Plaintiff injury.

20 19. On or about January 31, 2012, at the offices of Brillstein Entertainment Partners
21 located in Los Angeles, California, Defendant FRASER intentionally, willfully, wantonly and
22 maliciously struck Plaintiff in the chest approximately twenty (20) times in such a manner so as
23 to cause Plaintiff injury.

24 20. Defendant intended to cause and did cause a harmful contact with Plaintiff's person
25 on both occasions.

26 21. Plaintiff did not consent to Defendant's acts.

27 22. As a direct and proximate result of Defendant's conduct, Plaintiff suffered extreme
28 mental anguish and physical pain and is entitled to an award of General Damages in an amount
to be proven at time of trial.

1 23. Defendant's act was done knowingly, willfully, and with malicious intent, and
2 Plaintiff is entitled to an award of punitive damages in an amount to be determined by proof at
3 time of trial.

4 **THIRD CAUSE OF ACTION**

5 **(Intentional Infliction of Emotional Distress – Against All Defendants)**

6 24. Plaintiff realleges and incorporates by reference under this cause of action each and
7 every allegation made in each and every paragraph herein above, as if fully set forth hereunder.

8 25. Plaintiff is informed and believes, and thereon alleges, that such acts of Defendant
9 were intentional, extreme, and outrageous. Plaintiff is further informed and believes, that such
10 acts of Defendant were intended to cause Plaintiff serious emotional distress or with reckless
11 disregard of the probability of causing Plaintiff serious emotional distress.

12 26. As a direct, legal, and proximate result of such acts of Defendant, Plaintiff suffered
13 severe emotional distress, which has caused Plaintiff to sustain serious and permanent injuries.

14 27. As a direct and proximate result of Defendant's conduct, Plaintiff suffered extreme
15 mental anguish and is entitled to an award of General Damages in an amount to be proven at
16 time of trial.

17 28. Defendant's act was done knowingly, willfully, and with malicious intent, and
18 Plaintiff is entitled to an award of punitive damages in an amount to be determined by proof at
19 time of trial.

20 **WHEREFORE**, Plaintiff respectfully prays that this Court enter judgment in favor of
21 Plaintiff and against Defendant, and such Defendants as may be added as "Doe" Defendants
22 herein, and each of them, jointly and severally, individually and collectively, as follows:

- 23 1. For General Damages as shall be shown at the time of trial;
- 24 2. For punitive damages in the sound discretion of the Court;
- 25 3. For costs of suit incurred;
- 26 4. For such other and further relief as the Court deems just.

27 DATED: July 11, 2012

Law Offices of Joseph L. Pittera

By: 

Joseph L. Pittera
Attorney for Plaintiff
Todd Moyer