

1 jurisdiction in that this is a claim for damages of not less than \$5 million, well in excess of the
2 jurisdictional minimum of \$25,000.

3
4 **FACTUAL ALLEGATIONS**

5 4. In or about November 2010, Plaintiff Dominique Huett and Harvey Weinstein
6 arranged to meet each other at The Peninsula Beverly Hills hotel in Beverly Hills, California.
7 Plaintiff was an aspiring actress at the time and the purpose of the meeting was to discuss
8 Weinstein's offer to assist Plaintiff in procuring future television and/or film roles. The
9 communications to arrange this meeting included e-mails from the e-mail address of
10 Weinstein's assistant at TWC.
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12 5. Plaintiff and Weinstein initially met at the bar of The Peninsula hotel, where they
13 discussed Weinstein's interest in assisting Plaintiff with her acting career. During their
14 conversation, Plaintiff noticed Weinstein staring at her breasts. Weinstein asked Plaintiff if she
15 had ever had a "boob job" and asked her to show him her breasts. Plaintiff refused and was
16 made uncomfortable by the question and the request. However, Weinstein informed Plaintiff
17 that the purpose of the questioning was that it would be beneficial for securing future roles if
18 she did not have breast augmentation.
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20 6. At some point during their conversation, Weinstein, who was at the time living at
21 the hotel, invited Plaintiff to his room under the guise of continuing their business meeting.
22 Plaintiff agreed to move the meeting to his hotel room, believing they were to continue their
23 discussion regarding her career.
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25 7. While in Weinstein's room, the two continued their conversation regarding
26 Plaintiff's career. At some point, Weinstein excused himself to use the restroom. After several
27 minutes, Weinstein returned from the restroom wearing only a bathrobe.
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1 8. Upon returning, Weinstein asked Plaintiff to perform a massage on him. Plaintiff
2 said, “No,” and that she did not feel comfortable by his request. However, Weinstein persisted
3 and would not take “no” for an answer. Weinstein laid on the bed and demanded that Plaintiff
4 perform a massage on him. Plaintiff ultimately complied with his demands and performed the
5 massage.
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7 9. Subsequently, Weinstein requested to perform oral sex on Plaintiff. Plaintiff was
8 shocked and alarmed by the request and initially refused. Again, Weinstein displayed
9 persistence and would not take “no” for an answer. Weinstein initiated and Plaintiff froze as
10 Weinstein removed her clothing and performed oral sex on her. Weinstein performed oral sex
11 on Plaintiff for several minutes. After performing oral sex on Plaintiff, Weinstein masturbated
12 in front of Plaintiff until he reached orgasm.
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14 10. At some point during their communications, Weinstein gave Plaintiff the contact
15 information for an executive producer with *Project Runaway*, a television program produced by
16 Defendant, and offered to secure a role for Plaintiff on the program.
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18 11. Prior to the incident involving Plaintiff, Defendant TWC’s executives, officers
19 and employees had actual knowledge of Weinstein’s repeated acts of sexual misconduct with
20 women. In particular, Defendant was aware of Weinstein’s pattern of using his power to coerce
21 and force young actresses to engage in sexual acts with him. This knowledge was possessed by
22 Defendant’s Board of Directors including, upon information and belief, Bob Weinstein.
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24 12. Upon information and belief, Defendant was aware of allegations of sexual
25 misconduct against Weinstein going back to the 1990s. Upon information and belief, prior to
26 the incident involving Plaintiff, Defendant was aware of multiple claims of sexual misconduct
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1 which were settled with the victims prior to the filing of suit. This knowledge was possessed by
2 Defendant's Board of Directors including, upon information and belief, Bob Weinstein.

3 13. Prior to the incident involving Plaintiff, Defendant often aided and abetted
4 Weinstein in the commission of his sexual misconduct. For example, female Weinstein
5 Company employees were often used as "honeypots" to lure his victims into a false sense of
6 security. The "honeypots" would initially join a meeting along with a woman Weinstein was
7 interested in, but then Weinstein would dismiss them, leaving him alone with the woman.
8

9 14. Plaintiff did not discover, and a reasonable and diligent investigation would not
10 have disclosed, that prior to her incident Defendant was aware of numerous allegations of
11 sexual misconduct involving Weinstein. Upon information and belief, the allegations of sexual
12 misconduct involving Weinstein that Defendant was aware of were subject to nondisclosure
13 agreements and/or confidential settlements, and were otherwise only known inside TWC. Upon
14 information and belief, the nondisclosure agreements and/or confidential settlements legally
15 prohibited Defendant TWC, Weinstein, and the victims of the sexual misconduct from
16 discussing the allegations and Defendant's knowledge thereof. As such, even if Plaintiff had
17 conducted a timely and reasonable investigation, she could not have discovered Defendant's
18 prior knowledge of Weinstein's sexual misconduct. Plaintiff was unable to discover
19 Defendant's knowledge of Weinstein's propensity to engage in sexual misconduct until the
20 story of Weinstein's pattern of sexual misconduct with young actresses broke in October 2017.
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24 **COUNT I**
25 (Negligence)

26 15. Plaintiff repeats and realleges the allegations in paragraphs 1 through 14 above.

27 16. At all relevant times, Defendant owed a duty to use reasonable care in the
28 retention and supervision of its employee Harvey Weinstein.

1 17. This included a duty to control Weinstein in his interactions with women during
2 meetings taking place within the course and scope of his employment in order to prevent
3 foreseeable harm.

4 18. Prior to the sexual misconduct with Plaintiff, Defendant knew or had reason to
5 believe Weinstein was likely to engage in sexual misconduct with women he came into contact
6 with during the course and scope of his employment. In particular, upon information and belief,
7 Defendant knew or should have known that Weinstein would lure young aspiring actresses into
8 compromising situations under the guise of business meetings. Prior to the incident involving
9 Plaintiff, Defendant's Board of Directors possessed knowledge of Weinstein's propensity to
10 engage in sexual misconduct. Knowledge of Weinstein's propensity to engage in sexual
11 misconduct was additionally possessed by Defendant's executives, officers and employees. At
12 all relevant times Defendant's Board of Directors maintained a supervisory position over
13 Weinstein.
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16 19. By possessing knowledge of Weinstein's prior sexual misconduct, Defendant
17 knew or should have known that Weinstein was unfit and that this unfitness created a particular
18 risk to others.
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20 20. Defendant did not act in a reasonable manner by failing to terminate Weinstein
21 and instead continued to allow him to meet with prospective actresses in private areas with the
22 knowledge that there was a substantial likelihood for sexual misconduct.
23

24 21. Weinstein's meeting with Plaintiff at the Peninsula hotel occurred within the
25 course and scope of his employment. The contact between Plaintiff and Weinstein was
26 generated by the employment relationship between Defendant and Weinstein.
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1 22. Defendant's negligence in supervising and/or retaining Weinstein was a
2 substantial factor in causing Plaintiff's harm.

3 23. It was foreseeable that Weinstein would engage in sexual misconduct if
4 Defendant continued to allow Weinstein to have private business meetings with actresses. At
5 all relevant times, Defendant knew Weinstein was using his power and position to coerce
6 women into engaging in sexual contact and knew that this sexual misconduct would cause
7 harm.
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9 24. Defendant failed to institute corrective measures to protect women coming into
10 contact with Weinstein, including Plaintiff, from sexual misconduct despite the Board of
11 Directors possessing actual notice of Weinstein's sexually inappropriate behavior. Such acts and
12 omissions demonstrate a conscious disregard of the safety of others. The Board of Directors was
13 aware of the probable dangerous consequences of failing to remove or adequately supervise
14 Weinstein. In failing to do so, Defendant acted with actual malice and with conscious disregard
15 to Plaintiff's safety.
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18 25. As a direct and proximate result of Defendant's negligence, Plaintiff was a
19 victim of Weinstein's sexual misconduct. The sexual misconduct has caused Plaintiff to suffer
20 continuing, severe and permanent psychological and emotional issues, and the loss of
21 enjoyment of life.
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23 **PRAYER FOR RELIEF**

24 26. General damages in an amount to be shown according to proof at the time of
25 trial.

26 27. Special damages including medical and psychological care expenses in an
27 amount to be shown according to proof at the time of trial.
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1 28. Punitive and exemplary damages in an amount appropriate to punish or set an
2 example of Defendant.

3 29. Costs of suit.

4 30. Such other and further relief as this Court deems just and proper.

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7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a jury trial in this action.

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12 Dated: **October 24, 2017**

HERMAN LAW

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14 By: /s/ Daniel Ellis

Daniel Ellis
California Bar No. 298639
dellis@hermanlaw.com
Arick Fudali
California Bar No. 296364
afudali@hermanlaw.com
Jeff Herman
(pending *pro hac vice* admission)
Attorneys for Plaintiff