LAW OFFICES OF PERRY C. WAND Perry Wander, Esq. (SBN: 102523) 9454 Wilshire Blvd., Penthouse Beverly Hills, CA 90212 Telephone: 310-274-9985 Facsimile: 310-274-9987 pcwlaw@msn.com pcwlawyer.com Attorney for Plaintiff Jennifer Jarosik UNITED STATES	DISTRICT COURT
CENTRAL DISTRIC	CT OF CALIFORNIA
	Case No.
JENNIFER JAROSIK, an individual,	Case No. COMPLAINT FOR DAMAGES FOR
Plaintiff,	1. SEXUAL ASSAULT AND BATTERY
vs.	
	2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
RUSSELL WENDELL SIMMONS, an	
marviduai,	3. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
Defendant.	
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COMPLAINT FOR DAMAGES

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

SUMMARY OF CASE

- 1. By means of this lawsuit, Ms. Jarosik seeks to halt and obtain redress of the sexual assault and rape committed by Defendant Simmons against her person.
- 2. Specifically, this lawsuit chronicles how a woman who while pursuing her passion and dream of producing a documentary, was sexually exploited, sexually battered, and raped by Defendant Simmons after she approached him to be interviewed, and help her produce and finance her film. Defendants Simmons reputation as a spiritual conscious person caused her to trust Defendant Simmons who promised her help to make her film and befriended her only to be victimized when he invited her to his home in Los Angeles, on the pretext that they would be discussing her project, only to be attacked, and raped by him. Defendant, by reason of his experience in the entertainment industry exerted significant influence over her career. The sexual battery and severe emotional distress they have caused is detailed in this complaint.
- 3. Ms. Jarosik is a thirty-seven (37) year-old white woman, who came to Los Angeles, CA, to pursue her passion as a documentary film maker.
- 4. Defendant Russell Simmons is a music producer, CEO of Rush Communications, and he cofounded the hip-hop music label Def Jam Recordings.
- 5. The sexual exploitation of women is pervasive in the hip hop and music industry culture. Plaintiff hopes that through this lawsuit, the Hip Hop industry faces the music and recognizes that the deep-rooted history of misogyny and discrimination against women in the music industry has to come to an end, now. **#TimesUp.**

- 6. In line with Defendant's history of sexual exploitation that permeates the music industry, Ms. Jarosik experienced firsthand, being preyed on by defendant Simmons.
- 7. Defendant Simmons has historically thrived on the sexual exploitation of young women trying to break into the entertainment and music industry, in which young female artists are falsely promised opportunities and advancement by experienced and well-established men in power in the industry, with their careers in jeopardy if they resist the sexual overtures of these powerful men.
- 8. These specific instances of predatory and hostile conduct are just the tip of the iceberg of sexual harassment rooted in power imbalances. A number of women, some of whom were minors at the time of the alleged incidents, have accused Mr. Simmons of sexual harassment, sexual assault and rape. Women who said they had been sexually harassed or assaulted, including attempted rape by Mr. Simmons include, Ms. Kelly Cutrone, Ms. Keri Claussen Khalighi, Ms. Lisa Kirk, Ms. Toni Sallie, Ms. Amanda Seales and Ms. Natashia Williams-Blach. Women who said they had been raped by Mr. Simmons include, Ms. Jenny Lumet, Ms. Sherri Hines, Ms. Tina Baker and Ms. Drew Dixon.
- 9. The complaint requests general, punitive, and economic damages for loss of employment, loss of business opportunities, and loss of wages, to compensate Ms. Jarosik for injuries suffered as a result of the unlawful conduct alleged herein.

JURISDICTION AND VENUE

- 10. This Court has jurisdiction of this case under 28 U.S.C. § 1332 as the parties involved are completely diverse in citizenship and the amount in controversy exceeds \$75,000.
- 11. At all times material, Plaintiff Jarosik was, and still is, a resident of California.

- 12. At all times material, Defendant Simmons was, and still is a resident of New York.
- 13. Plaintiff has suffered special damages in excess of \$75,000, accordingly, the amount in controversy exceeds the \$75,000 threshold of 28 U.S.C. § 1332.
- 14. Venue is proper in this district, as the causes of action arose within this judicial district, and the Defendant herein conducts business within this district.

PARTIES

- 15. At all times herein mentioned, Jennifer Jarosik, Plaintiff is a resident of the city of Los Angeles, California, Los Angeles County.
- 16. At all times relevant herein, Defendant Russell Wendell Simmons is a resident of New York City, New York.

FACTUAL ALLEGATIONS

- 17. Plaintiff met Mr. Simmons in 2006 in New York City. He befriended her as they shared a love and passion for meditation, yoga and a vegan diet. Mr. Simmons later offered to be interviewed for Plaintiff's documentary and he offered to co-produce, finance and assist Plaintiff with the documentary which they started to work on at Defendant's office in New York City. Plaintiff later moved to LA.
- 18. On or about August 2016, Plaintiff was invited by Defendant to his home in Los Angeles, on ______. When Plaintiff arrived, defendant asked Plaintiff to have sex, whereupon she responded "no". Mr. Simmons got aggressive and pushed Plaintiff on his bed. Plaintiff tried to force Defendant to stay away from her and in doing so, Defendant knocked Plaintiff off his bed, and Plaintiff hit her head and then Defendant pounced on her while she was still in shock and fear, and proceeded to rape her.
- 19. Plaintiff then disclosed this information only to a few close friends like Martin Dunkerton, her film director and Gene Lo, her editor. Plaintiff felt somehow it was partially her fault since she was not strong enough to resist. #TimesUp.

20. When Plaintiff later found out that a number of women, some of whom were aged seventeen at the time of the alleged incidents, accused Mr. Simmons of Sexual harassment, assault or rape, she contacted him.

21. Defendant Russell, when confronted about her rape and the other women's stories, by Plaintiff, pretended it never happened. #NotMeToo? Plaintiff is now the 8th woman that has stepped forward to publicize her story of sexual assault and exploitation against defendant Simmons.

FIRST CAUSE OF ACTION

(Sexual Assault and Battery)

- 22. Plaintiff hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.
- 23. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has been directly and legally caused plaintiff to suffer actual damages pursuant to California *Civil Code* § 3333, including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, attorney's fees, and other pecuniary loss not presently ascertained, for which plaintiff will seek leave of court co amend when ascertained.
- 24. As a direct and legal result of the acts and omissions of Defendants, and each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and externally, and suffered, among other things, numerous internal injuries, sever fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff, who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this time know the exact duration of permanence of said injuries, but is informed and believes, and thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

25. As further legal result of the acts and omissions of the Defendants, and each of the, plaintiff has been forced to incur expenses for medical care and 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 additional expenses of the same nature. Expenses are in an amount which is at present, unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at the time of trial.

- 26. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents, plaintiff has bene unable to engage fully in her occupation, and is informed and believes, and thereon alleges, that plaintiff will be incapacitated and unable to perform her usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of earnings at the time of trial.
- 27. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, discomfort, anxiety and depression. The exact nature and extent of said injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.
- 28. The aforementioned acts of Defendants, and each of them, were willful, wanton, malicious, intentional, oppressive and despicable and were done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, thereby justifying the awarding of punitive and exemplary damages of \$5,000,000.

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SECOND CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

- 29. Plaintiff hereby incorporates by reference the allegations contained in for foregoing paragraphs as though fully set forth herein.
- 30. Defendant knew or, in the exercise of reasonable care, should have known, that the abusive and outrageous conduct would cause, and did cause, Plaintiff mental distress, and was so extreme so as to exceed all bounds of that usually tolerated in a decent and civilized society.
- 31. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has been directly and legally caused plaintiff to suffer actual damages pursuant to California *Civil Code* § 3333, including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, attorney's fees, and other pecuniary loss not presently ascertained, for which plaintiff will seek leave of court co amend when ascertained.
- 32. As a direct and legal result of the acts and omissions of Defendants, and each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and externally, and suffered, among other things, numerous internal injuries, sever fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff, who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this time know the exact duration of permanence of said injuries, but is informed and believes, and thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.
- 33. As further legal result of the acts and omissions of the Defendants, and each of the, plaintiff has been forced to incur expenses for medical care and 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

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

- 34. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents, plaintiff has bene unable to engage fully in her occupation, and is informed and believes, and thereon alleges, that plaintiff will be incapacitated and unable to perform her usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of earnings at the time of trial.
- 35. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, discomfort, anxiety and depression. The exact nature and extent of said injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.
- 36. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this court.
- 37. The aforementioned acts of Defendants, and each of them, were willful, wanton, malicious, intentional, oppressive and despicable and were done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, thereby 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)

- 38. Plaintiff hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.
- 39. Defendant knew or reasonably should have known that the conduct described herein would and did proximately result in emotional distress to Plaintiff.
- 40. At all relevant times, the Defendant, had the power, ability, authority, and duty to stop engaging in the conduct described herein and/or to intervene to prevent or prohibit said conduct.
- 41. Despite said knowledge, power, and duty, Defendant negligently failed to act so as to stop engaging in the conduct described herein and/or to prevent or prohibit such conduct or otherwise protect Plaintiff from foreseeable injury. To the extent that said negligent conduct was perpetrated by the Defendant, which was confirmed and ratified with the knowledge that Plaintiff's emotional distress would thereby increase, and with a wanton and reckless disregard for the deleterious consequences to Plaintiff.
- 42. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer serious emotional distress, anguish, emotional injuries, as well as economic harm, all to her damage in amounts to be proven at trial.
- 43. As a direct and legal result of the acts and omissions of Defendants, and each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and externally, and suffered, among other things, numerous internal injuries, sever fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff, who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this time know the exact duration of permanence of said injuries, but is informed and believes, and thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

1 PRAYER FOR RELIEF 2 WHEREFORE, Plaintiff Jarosik, on behalf of herself individually, demands 3 judgment as follows: For general damages, according to proof at trial; 4 For special damages, according to proof at trial; b. 5 For exemplary or punitive damages against Defendants for their 6 oppressive, fraudulent, and malicious conduct in the sum of \$5,000,000; 7 Pre-judgment and post-judgment interest at the maximum rate allowable 8 at law; 9 The costs and disbursements incurred by Plaintiff in connection with e. 10 this action, including reasonable attorneys' fees and costs of suit; and 11 Such other and further relief as the Court deems just and proper. f. 12 JURY TRIAL DEMANDED 13 Plaintiff Jarosik, hereby demands a trial by jury. 14 15 Dated: January 24, 2018 16 Perry Wander 17 **Law Offices of Perry C. Wander** 18 Perry C. Wander, Esq. Attorney for Plaintiff Jennifer Jarosik 19 20 21 22 23 24 25 26 #TimesUp. 77