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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

19 **EMMA LOMAN, an individual,**

20  
21 **Plaintiff,**

22 **- against -**

23  
24 **HARVEY WEINSTEIN, an individual,**

25 **Defendant.**  
26  
27  
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Case No.:

**CIVIL COMPLAINT FOR  
DAMAGES**

**JURY TRIAL DEMANDED**

1 Plaintiff Emma Loman (“Loman” or “Plaintiff”), by her attorneys  
2 Balestriere Fariello for her Complaint against Harvey Weinstein (“Weinstein”  
3 or “Defendant”) respectfully alleges as follows upon information and belief,  
4 except as to allegations concerning Plaintiff, which are made upon personal  
5 knowledge, and except as otherwise indicated herein.

6 **PRELIMINARY STATEMENT**

7 1. Plaintiff Loman brings this suit to seek redress from Defendant  
8 Weinstein for raping her in a hotel room then threatening her into silence.

9 2. In 2006, Weinstein—at the time a legendarily hot-tempered and  
10 powerful film producer—used his status, which arose from his many  
11 connections within Los Angeles and its world-dominating film industry, to  
12 lure Loman to his personal hotel room at the 59th Cannes Film Festival (the  
13 “Festival”), where he then forced himself on her.

14 3. Loman first met Weinstein in 2004 at the Venice Film Festival, where  
15 they happened to attend the same dinner. While Loman’s interactions with  
16 Weinstein at the dinner consisted only of short, friendly conversations,  
17 Weinstein offered to exchange contact information, and Loman agreed.

18 4. Weinstein’s actions appear to have been carefully planned well in  
19 advance of the Festival. After they exchanged information in 2004, Weinstein  
20 did not contact Loman, who at the time was a successful model and was  
21 starting to transition to an acting career, until before the Festival in 2006 to tell  
22 her that he was impressed with her as an actor. Weinstein asked Loman to  
23 come to the Festival as his guest to discuss her appearing in one of Weinstein’s  
24 films.

25 5. While Loman was initially wary, she had appeared in several films  
26 and knew that it was not uncommon for producers to contact actors with  
27 relatively young careers in this way. This was especially true of Weinstein, who  
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1 both wielded tremendous influence in the film industry and specialized in  
2 relatively low-budget, often critically acclaimed films that could provide an  
3 ideal opportunity for a lesser-known actor.

4 6. At the time, while Weinstein was known as demanding, the sexual  
5 abuse allegations against him were not yet widely known. Instead, he had just  
6 left Miramax, LLC (“Miramax”), a highly successful and influential movie  
7 production and distribution company that he had founded nearly 30 years  
8 earlier with his brother, Robert “Bob” Weinstein, to start a new venture, The  
9 Weinstein Company LLC (“TWC”).

10 7. Weinstein was persistent. When Loman expressed hesitation at  
11 Weinstein’s offer to be his guest at the Festival—in part because she was  
12 planning to attend the Festival with a personal friend at the time—Weinstein  
13 had his assistant call her repeatedly, up to 30 times a day, and told her that it  
14 would be important for him and TWC that she attend the Festival as his guest  
15 so that they could discuss her acting career.

16 8. Flattered at what she believed to be Weinstein’s professional praise  
17 and recognizing a significant opportunity for her acting career, Loman agreed  
18 to attend the Festival as his guest. Weinstein had TWC arrange and pay for  
19 Loman to fly to the Festival and to stay in a luxury suite during her time there.

20 9. Loman’s concerns were further abated once she met Weinstein at the  
21 Festival. Weinstein presented as charming and friendly and praised Loman’s  
22 acting work.

23 10. Over the course of several more informal encounters at the Festival,  
24 Weinstein provided Loman with professional advice and support, gradually  
25 gaining her trust. Weinstein further lowered Loman’s guard when he  
26 introduced her to a number of prominent members of the film industry near  
27 the beginning of the Festival.

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1 11. After several such informal meetings, Weinstein told Loman that he  
2 had multiple parts in upcoming TWC films that could be appropriate for  
3 Loman. Weinstein confided that the scripts for these films were highly  
4 confidential, so any substantive discussion of them would need to take place  
5 at Weinstein's "office."

6 12. Weinstein's "office" was in fact his personal hotel suite, but Loman  
7 knew that film executives often used suites at prestigious hotels as offices due  
8 to lack of a more formal space, and to demonstrate their status in the industry.  
9 Loman also believed that she had built a rapport with Weinstein and could  
10 trust him.

11 13. Upon arriving at Weinstein's suite, however, Weinstein quickly  
12 dropped his professional demeanor. He instead overpowered Loman and  
13 raped her.

14 14. Shocked and betrayed, Loman did not know what to do.

15 15. Furthering Loman's disorientation, Weinstein proceeded to treat the  
16 rape like a standard component of their business, as if the professional  
17 discussion he offered Loman had actually taken place. Immediately after  
18 raping Loman, Weinstein told her that he would follow up with a call, and  
19 although Loman wanted to make clear to Weinstein again that he had just  
20 severely violated her, he quickly made her leave his suite, citing his busy  
21 schedule. Weinstein later did follow up with a call to discuss an upcoming film  
22 premiere that would normally be an invaluable networking event for Loman's  
23 young acting career.

24 16. At a later date, Weinstein physically cornered Loman in his suite that  
25 he had lured her into, and informed her that—even if she could somehow  
26 overpower the much larger Weinstein—the security guards that Weinstein  
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1 employed would not allow Loman to leave the floor until she promised to keep  
2 silent regarding Weinstein's assault and rape.

3 17. The following year, when Loman was visiting Los Angeles to shop a  
4 film that she had been cast in, Weinstein sent another pointed reminder of both  
5 his power and his memory. He had TWC purchase the film Loman had been  
6 cast in – solely because Loman had been cast in the film – and then unilaterally  
7 had Loman fired from its cast.

8 18. Fearful both that no one would believe her and the potential  
9 retaliation from such a powerful figure, Loman stayed silent. It was only upon  
10 the late 2017 revelation of the scope of Weinstein's wrongful actions – to both  
11 Loman and the general public – that Loman felt safe coming forward to seek  
12 redress for Weinstein's rape of her, which she began pursuing immediately.

13 **JURISDICTION AND VENUE**

14 19. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
15 § 1332(a), as there exists complete diversity of citizenship between Plaintiff and  
16 Defendant, and as the amount in controversy exceeds \$75,000.

17 20. This Court also has subject matter jurisdiction pursuant to 18 U.S.C.  
18 § 1595, which provides the district courts of the United States jurisdiction over  
19 violations of 18 U.S.C. § 1591.

20 21. This Court also has supplemental jurisdiction over the remaining  
21 claims pursuant to 28 U.S.C. § 1367(a), as those claims form part of the same  
22 case or controversy as the related federal claims over which this Court has  
23 original jurisdiction.

24 22. This Court has personal jurisdiction over Weinstein because  
25 Weinstein has substantial, continual, and systematic contacts with this District,  
26 such that he is essentially at home in this District. Weinstein's wrongdoing at  
27 issue also arises out his specific conduct within this District.

1 23. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as a  
2 substantial part of the events giving rise to the claims took place in this District.

3 **PARTIES**

4 24. Plaintiff Emma Loman is a citizen and resident of Germany, who has  
5 worked as an actor, producer, and model since 2004.

6 25. Defendant Harvey Weinstein is a U.S. citizen who resides in  
7 Westport, Connecticut. Weinstein was a Director and Co-Chairman of TWC  
8 during the entirety of the events relevant to this action. Weinstein used his  
9 status at TWC – one of the most prominent existing film production companies  
10 during the relevant period – to rape Loman with impunity and threaten her  
11 into silence.

12 **STATEMENT OF FACTS**

13 **Background**

14 26. Weinstein's connection with the film industry began in the 1970s,  
15 when he began operating the Century Theatre in Buffalo, New York.

16 27. A few years later, he and his brother Bob sold their interest in the  
17 theatre and used the proceeds to start Miramax in 1979.

18 28. In 1989, fresh off the success of the film *Sex, Lies, and Videotape*,  
19 Miramax opened its second office, in Los Angeles. The company subsequently  
20 ran into financial difficulties, and in 1993 was acquired by The Walt Disney  
21 Company ("Disney"), based in Burbank, California.

22 29. Now both flush with cash from its new corporate parent and with  
23 far greater commercial reach due to distribution through Disney's powerful  
24 film distributor subsidiary, Buena Vista Pictures Distribution, Inc. (also based  
25 in Burbank), Miramax went on to achieve massive success, propelling  
26 Weinstein to a new status as one of the world's most famous and powerful film  
27 moguls.

1       30. In the decade following its acquisition by Disney, Miramax released  
2 such massive hits as *Pulp Fiction*, *Clerks*, *The English Patient*, *Scream*, *Good Will*  
3 *Hunting*, *Jackie Brown*, *Shakespeare in Love*, *The Cider House Rules*, and *Gangs of*  
4 *New York*.

5       31. Weinstein also built much of his success on his ability to gain  
6 Academy Awards (or “Oscars”), prestigious awards hosted annually in Los  
7 Angeles by the Academy of Motion Picture Arts and Sciences (the  
8 “Academy”), also based in Los Angeles. Weinstein’s films were nominated for  
9 a collective 341 Oscars, winning 81. Weinstein himself was nominated twice,  
10 and personally won the highly prestigious award for Best Picture in 1999 for  
11 his role as a producer of *Shakespeare in Love*. On October 14, 2017, Weinstein  
12 was removed from the academy due to the allegations against him being made  
13 public.

14       32. While putatively awarded based on merit, in practice the Oscars are  
15 often awarded based on successfully lobbying the Academy’s members, many  
16 of whom are based in Los Angeles.

17       33. Weinstein was famously adept at such lobbying, and eventually  
18 became a member of the Academy himself.

19       34. In a 2017 retrospective by *Forbes* magazine following Weinstein’s  
20 expulsion from the Academy, the magazine wrote that Weinstein’s Oscars  
21 were “often the result of aggressive campaigning,” and a “key part of  
22 Weinstein’s seemingly invincible persona.” *Forbes* also wrote that such Oscars  
23 were “part of what made him so powerful that many women feared accusing  
24 him of abuses or gave in to his unwanted advances.”<sup>1</sup>

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<sup>1</sup> Madeline Berg, *After Expulsion From The Academy, Here Are All Of Harvey Weinstein’s 81 Oscar Wins*, *Forbes* (Oct. 13, 2017, 4:35 PM), <https://www.forbes.com/sites/maddieberg/2017/10/13/here-are-all-of-harvey-weinsteins-oscar-wins/>.

1 35. In the same piece, *Forbes* quoted film industry journalist Sasha Stone  
2 as stating, “Everyone knew if you were in a Harvey movie, chances are you  
3 were going to win or be nominated for an Oscar. . . . It’s a sick thing to be in a  
4 business where that was the collateral used to coerce women.”

#### 5 Weinstein Targets Loman

6 36. Weinstein first met Emma Loman in 2004 at the Venice Film Festival,  
7 where they had a short conversation and exchanged contact information.

8 37. Neither party contacted the other until 2006, when Weinstein called  
9 Loman to tell her that he had liked her work as an actor, and immediately  
10 invited her to be his guest at the upcoming Festival, a high-profile and  
11 prestigious annual film festival in Cannes, France—a major networking event  
12 for the film industry. Weinstein insisted on flying Loman to the Festival,  
13 putting her up in luxury hotel suite in the Hôtel Barrière Le Majestic for the  
14 duration of the Festival, and said that he wanted to personally discuss TWC  
15 projects in which he would like to cast Loman.

16 38. While in most contexts such a call may be unusual, in the film  
17 industry, it was not. Part of the job of a film producer is “discovering” talented  
18 actors through viewing of their films, and then building a strong personal  
19 relationship. The hope, similar to “A&R men” from record companies or  
20 professional baseball scouts, is that once the actor becomes successful, the  
21 producer will be able to leverage that relationship to further profitable work  
22 with the producer on favorable terms, as the actor will feel a personal loyalty  
23 and debt to the producer.

24 39. Still, Loman was initially hesitant at flying internationally to meet a  
25 man she barely knew, but was already in the process of planning to attend the  
26 Festival with a friend. She was well aware of Weinstein and his work, and he  
27 was both charming and persistent. At one point, Weinstein had his assistant  
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1 call Loman as many as 30 times a day. Finally, Loman—believing that she  
2 could not pass up such a professional opportunity—agreed to come to the  
3 Festival as a TWC guest.

4 40. When Loman met with Weinstein at the Festival, she grew to believe  
5 that her hesitation had been foolish. Weinstein was very charming, and told  
6 her that he was very impressed with her work and believed in her as an actor.  
7 Weinstein encouraged her to call him if she ever needed professional advice.  
8 Weinstein further assuaged Loman by saying that his persistent behavior was  
9 for the sake of business, convincing her that she was as valuable an asset to  
10 him as he could be to her.

11 41. Over the next several days, Loman had several further encounters  
12 with Weinstein at the Festival. Each time, he was highly professional and  
13 largely wanted to discuss Loman’s work or the film industry.

14 42. During one of these encounters, Weinstein said that he had several  
15 parts in upcoming TWC films that he thought Loman would be an excellent fit  
16 for. However, Weinstein said that he could only go into further detail in his  
17 “office,” as the scripts were highly confidential.

18 43. Weinstein’s “office” in Cannes was a luxury hotel suite. However,  
19 this was not suspicious, as many executives at the Festival used suites in  
20 prestigious hotels for business as an indicator of status, wealth, and power.  
21 Meetings in such environments also further contributed to the informal vibe  
22 that the film industry often cultivated.

23 44. Loman agreed to meet Weinstein in his hotel suite along with  
24 Weinstein’s assistant.

### 25 **Weinstein Rapes Loman**

26 45. As planned, Loman met with Weinstein and his assistant to travel  
27 together to Weinstein’s suite. The only way to reach said suite was via a private  
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1 elevator that only operated with a special key and led to the hotel's exclusive  
2 top floor.

3 46. Once the three were in the elevator, Weinstein's assistant, claiming  
4 he had forgotten something necessary for the meeting, left just before the  
5 elevator doors closed, leaving Loman no opportunity to object.

6 47. Suddenly left alone with Weinstein, Loman felt uncomfortable, but  
7 she trusted him due to their recent professional discussions—including an  
8 instance the day before in which Weinstein had introduced Loman to many of  
9 the most notable figures attending the Festival—and continued to her meeting  
10 with Weinstein. Loman's concerns were further diminished when an elderly  
11 couple later entered the elevator and shared a friendly conversation with  
12 Weinstein and Loman.

13 48. Once alone with Loman in the suite, however, Weinstein's demeanor  
14 became drastically different.

15 49. Weinstein prepared a Coca-Cola beverage for Loman out of her  
16 sight, and began to discuss her body. Weinstein made thinly-veiled attempts  
17 to coerce Loman into undressing, such as teasingly asking her if she was  
18 actually a man.

19 50. Throughout these advances, Loman made it clear that she had no  
20 interest in engaging in anything other than business with Weinstein.

21 51. Weinstein quickly became even more blunt, and told Loman that if  
22 she wanted to be in one of his films, she would have to be more comfortable  
23 with her body.

24 52. Loman responded by expressing regret that she would not be able to  
25 work with Weinstein.

1 53. Undeterred, Weinstein insisted on giving Loman a massage, and  
2 said that he would have serious trust issues working with her if she did not  
3 allow him to do so.

4 54. Loman once again rebuffed Weinstein's advance, explicitly telling  
5 him that she did not consent and did not want him to touch her.

6 55. At this point, while Loman was concerned and upset, she knew from  
7 her years of modeling work that many men would make inappropriate sexual  
8 comments in work settings, but would take it no further and usually stop once  
9 they saw that their advances would not be reciprocated.

10 56. However, Weinstein attempted to give Loman a so-called massage  
11 after Loman explicitly and directly told him that she did not consent. At this  
12 point, Loman changed her strategy and attempted to dissuade Weinstein by  
13 redirecting the situation back to business, telling Weinstein that she could not  
14 take him seriously in a professional capacity if he continued behaving as he  
15 did.

16 57. Weinstein responded by saying that he needed to get a script, and  
17 went into another room of his suite.

18 58. Left alone, Loman was shaken and considered leaving the suite.  
19 Unfortunately, Loman was aware that women who attempted to walk out of  
20 meetings after experiencing such subjugation—especially from powerful men  
21 like Weinstein—faced both physical consequences in the immediate term, and  
22 economic, professional, and social consequences in the long term. Loman also  
23 considered the possibility that her rebuffs had seemed to work, and was eager  
24 to see Weinstein return to the friendly, professional figure he had been to her  
25 until a few moments ago.

26 59. Loman's hope was magnified when Weinstein returned, with a  
27 script, and apologized for his previous actions. Unfortunately, her fear of  
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1 Weinstein's intent was not assuaged, as Weinstein had changed into a  
2 bathrobe. Still shaken and fearful, Loman tested her situation by telling  
3 Weinstein that she wanted to leave. Weinstein apologized some more, said that  
4 his assistant would return soon, and promised Loman that he would discuss  
5 the script he had brought.

6 60. Because she both feared retaliation if she tried to leave, and still had  
7 hope that Weinstein would keep his word, Loman stayed.

8 61. Weinstein, however, gradually returned to making thinly-veiled  
9 advances. He told Loman that he was stressed over a separate meeting and  
10 had to prepare with a shower to relax, and he proposed that Loman watch him  
11 shower so he could demonstrate to her how he is able to calm his mind.

12 62. Loman continued expressly refusing Weinstein's advances in the  
13 strongest possible terms.

14 63. Weinstein then quickly and unexpectedly escalated his behavior,  
15 and began touching and kissing Loman without her consent.

16 64. Loman immediately and repeatedly told Weinstein explicitly that  
17 she did not consent and asked him to stop, and continued repeating her  
18 objections throughout the remainder of Weinstein's assault.

19 65. However, Loman—a professional model who was three inches  
20 shorter and at least 100 pounds lighter than Weinstein—could not stop  
21 Weinstein, and did not know how to react to such a sudden shift in personality  
22 from a man she had trusted. Loman also feared what Weinstein would  
23 physically do to her if she screamed for help, and she knew that nobody would  
24 have heard her.

25 66. Weinstein then proceeded to rape Loman.

26 67. At one point during the rape, Weinstein bragged that he had recently  
27 received a negative result from an HIV test. Then, over Loman's continued  
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1 protests, he removed the condom he had been wearing and continued to rape  
2 Loman.

3 68. Weinstein eventually finished, then forced Loman to shower with  
4 him before he allowed her to leave.

5 69. Loman was shocked and traumatized by the encounter; she did not  
6 know how to react and did not know who she could speak to.

7 70. Even more disorienting, Weinstein quickly went back to his formerly  
8 charming demeanor and acted like the entire rape had been a standard  
9 business meeting, as if he had engaged in the professional discussion that he  
10 had offered Loman instead of violently assaulting her. For example, Weinstein  
11 told Loman that one of his films was premiering at the Festival that evening,  
12 and that if she went, she could sit next to its director.

13 **Weinstein Threatens Loman**

14 71. On a later date, Weinstein invited Loman again to his hotel suite to  
15 discuss scripts.

16 72. At first Loman balked, however she then doubted herself due to  
17 Weinstein's professional demeanor after the encounter. Weinstein repeatedly  
18 assured Loman that she would not be alone for this meeting, but it would be  
19 professionally organized and they would strictly discuss scripts. Weinstein's  
20 behavior caused Loman to question herself, and she wanted an explanation  
21 and an apology from Weinstein.

22 73. Finally, Loman relented and agreed to meet with Weinstein a second  
23 time. She also believed that, knowing the risks, she would be able to escape the  
24 situation if Weinstein attempted to rape her a second time.

25 74. When Weinstein's assistant escorted her again to Weinstein's top-  
26 floor hotel suite, Loman noticed that six security guards, seemingly armed,  
27 lined the walls of the long hallway from the elevator to Weinstein's suite.  
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1 75. Although Weinstein's assistant left Loman as she entered the suite,  
2 she discovered that Weinstein had at least kept his promise that they would  
3 not be alone, as another woman was present in the room with Weinstein.

4 76. However, Weinstein immediately made clear that he would not keep  
5 his promise to discuss business, and instead indicated that he wanted a  
6 threesome with Loman and the other woman.

7 77. Loman, visibly distressed, immediately attempted to leave the hotel  
8 suite.

9 78. Weinstein, however, quickly became physically aggressive.

10 79. Weinstein rushed to the exit, physically blocking Loman from  
11 leaving and cornering her against a nearby wall. He then told Loman that his  
12 security guards would not allow her to leave, and that even if they did, she  
13 could not enter his elevator without its key.

14 80. Loman, fearing another rape, began to shout and cry.

15 81. Weinstein responded demanding that she stay in the suite until she  
16 appeared calm, stating that he would not allow her to leave until she promised  
17 to not tell or otherwise reveal to anyone what had happened.

18 82. Weinstein then quickly changed tactics. He fell to his knees in front  
19 of Loman and began crying himself. He begged her to calm down, told her (for  
20 the first time) that he was engaged, and said that journalists were waiting  
21 downstairs who would ruin his marriage and career if they saw a distraught  
22 woman who had come from his suite.

23 83. Weinstein's sudden and erratic change of tone only scared Loman  
24 even more, as she began to wonder what Weinstein was capable of. She made  
25 great effort to appear calm so that Weinstein would allow her to leave.

1 84. Finally, after around an hour, Weinstein was satisfied that Loman  
2 had composed herself, and allowed her to leave his suite, escorted by his  
3 assistant.

4 85. Sometime after this interaction, Weinstein called Loman to scream at  
5 her and berate her for what he apparently felt was unprofessional,  
6 objectionable behavior on her part.

7 86. After the call, Weinstein ended any professional relationship with  
8 Loman and rescinded any outstanding invitations for events at the Festival.  
9 Loman was simply relieved that she would have no further dealings with  
10 Weinstein, and wished to put the experience behind her.

11 87. Loman had further contact with Weinstein the following year, when  
12 she was in Los Angeles, to help shop a film to production companies in which  
13 she had been cast as the female lead. Loman was excited for the role, and had  
14 a close relationship with the film's planned director, producers, and cast.

15 88. Weinstein contacted Loman and asked to speak with her in the  
16 Peninsula Beverly Hills Hotel. Since Loman was now in Los Angeles and in  
17 proximity to various personal and professional acquaintances, and because of  
18 their previous encounter, Loman felt somewhat confident that Weinstein  
19 would be unlikely to physically assault her again if she complied. Furthermore,  
20 because she was now in the nucleus of Weinstein's extraordinarily powerful  
21 network, Loman felt that declining to meet with Weinstein would endanger  
22 her safety and well-being more than complying with his request, and agreed  
23 to meet Weinstein with a friend.

24 89. In this meeting, Weinstein behaved relatively professionally and  
25 calmly, and he took a copy of the script from Loman. Loman thought she had  
26 escaped unscathed.

1 90. However, later that day, Weinstein’s TWC purchased the script, and  
2 Loman was subsequently fired from the film.

3 91. Loman was later told by multiple colleagues who had worked on the  
4 film that Weinstein had unilaterally ordered the firing himself, and told at least  
5 one producer not to do any business with Loman in the future—in what  
6 appeared to be an open threat to Loman that she not disclose Weinstein’s rape  
7 and other misconduct to anyone.

8 **FIRST CAUSE OF ACTION**

9 (Violation of Human Trafficking Laws, 18 U.S.C. § 1591(a))

10 92. Plaintiff repeats and realleges the allegations made above as if fully  
11 set forth herein.

12 93. Weinstein knowingly affected interstate commerce by recruiting,  
13 enticing, transporting, and soliciting Plaintiff, knowing that he would use  
14 threats of force, means of force, and coercion to make Plaintiff engage in  
15 commercial sex acts.

16 94. Weinstein did so for the express purpose of forcing Plaintiff to  
17 engage in commercial sex acts, namely so that he could sexually assault and  
18 rape her in his hotel room in exchange for roles in prominent films and other  
19 professional opportunities.

20 95. Weinstein, TWC, and Weinstein’s assistant—who was acting on  
21 behalf of Weinstein—coordinated to form a venture that coerced, transported,  
22 and harbored Plaintiff, either with knowledge or in reckless disregard of the  
23 fact that Weinstein would use threats of force, means of force, and coercion to  
24 make Plaintiff engage in commercial sex acts.

25 96. Weinstein’s assistant financially benefitted from facilitating the  
26 transportation and harboring of Plaintiff, and he did so with knowledge or in  
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1 reckless disregard of the fact that Weinstein would use threats of force, means  
2 of force, and coercion to make Plaintiff engage in commercial sex acts.

3 97. Weinstein's assistant demonstrated his knowledge or reckless  
4 disregard of Weinstein's misconduct by transporting Plaintiff to a suite in  
5 which Weinstein attempted to engage in commercial sex acts.

6 98. TWC demonstrated its knowledge or reckless disregard of  
7 Weinstein's misconduct by stationing six guards outside of a suite in which  
8 Weinstein attempted to engage in commercial sex acts with the intent of  
9 controlling any admittance or departure from the suite.

10 99. At every stage of her interactions with Weinstein, TWC, and  
11 Weinstein's assistant, Plaintiff had a reasonable expectation of forming a  
12 productive and lucrative professional relationship with Weinstein and TWC.

13 100. Plaintiff had no expectation that this relationship would be  
14 conditional upon her engaging in commercial sex acts with Weinstein, or that  
15 she would be assaulted, raped, and falsely imprisoned.

16 101. Plaintiff suffered serious physical, mental, financial, and  
17 reputational harm as a result of Weinstein and the venture exploiting her and  
18 using means of force, including rape and sexual assault, to force Plaintiff to  
19 engage in commercial sex acts.

20 **SECOND CAUSE OF ACTION**

21 (Assault)

22 102. Plaintiff repeats and realleges the allegations made above as if fully  
23 set forth herein.

24 103. Weinstein isolated Plaintiff in close quarters and prevented  
25 interference from bystanders; demanded and initiated sexual contact without  
26 Plaintiff's consent; raped Plaintiff; cornered, chased, and physically blocked  
27 Plaintiff to cause fear of physical harm; threatened harm to the career of  
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1 Plaintiff if she refused to participate in sexual activities; and potentially  
2 exposed Plaintiff to sexually transmitted diseases without her consent.

3 104. Through these actions, Weinstein intended to cause apprehension of  
4 harmful or offensive conduct, and did commit harmful and offensive conduct  
5 against Plaintiff.

6 **THIRD CAUSE OF ACTION**

7 (Battery)

8 105. Plaintiff repeats and realleges the allegations made above as if fully  
9 set forth herein.

10 106. Weinstein engaged in unwanted contact with Plaintiff in a harmful  
11 and offensive manner by forcibly causing sexual contact between Weinstein  
12 and Plaintiff.

13 107. Weinstein's battery of Plaintiff caused physical, mental, and  
14 emotional harm to Plaintiff.

15 **FOURTH CAUSE OF ACTION**

16 (False Imprisonment)

17 108. Without authority or justification, Weinstein held Plaintiff captive in  
18 his hotel suite for nearly an hour.

19 109. Weinstein physically prevented Plaintiff from leaving, and told her  
20 that she would not be able to leave unless she complied with his demands.

21 110. Through these actions, Weinstein caused Loman to reasonably fear  
22 immediate physical harm.

23 **PRAYER FOR RELIEF**

24 111. WHEREFORE, by reason of the foregoing, Plaintiff respectfully  
25 requests that the Court enter judgment in Plaintiff's favor and against  
26 Defendant, awarding:  
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1 A. Compensatory damages in an amount to be determined at trial, in  
2 an amount no less than \$75,000;

3 B. Punitive damages for Plaintiff's state law claims of assault, battery,  
4 and false imprisonment in an amount to be determined at trial;

5 C. Punitive damages pursuant to the civil remedy for human trafficking  
6 in 18 U.S.C. § 1595;

7 D. Attorneys' fees pursuant to the civil remedy for human trafficking in  
8 18 U.S.C. § 1595(a)

9 E. Applicable interest on the foregoing amount;

10 F. Declaratory relief; and

11 G. Such other and further relief the Court deems just and proper.

12 **DEMAND FOR JURY TRIAL**

13 Plaintiff respectfully demands a trial by jury for all issues so triable  
14 in this action.

15  
16 Dated: August 20, 2018

17 **FERRUCCI LAW GROUP**

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20 \_\_\_\_\_  
21 Joseph A. Ferrucci, Bar No. 186287  
22 Attorneys for Plaintiff

23 **BALESTRIERE FARIELLO**

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26 John G. Balestriere\*  
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\*Pro Hac Vice Application Forthcoming