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13 JANE DOE

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

16 JANE DOE,

17 Plaintiff,

18 v.

19 JOHN DOE; CITY OF
20 BEVERLY HILLS; CRAIG
21 STEVENS; CHIEF DAVID L.
22 SNOWDEN; CHIEF MARTIN
23 D. IANNONE; CAPTAIN
24 WILLIAM J. HUNT; PACIFIC
25 BELL TELEPHONE
26 COMPANY, which does business
27 as AT&T California; ANTHONY
28 PELLICANO; and DOES 1-100,
inclusive,

Defendants.

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

AUG 26 2008

John A. Clarke, Executive Officer/Clerk
By B.M. SWAIN Deputy

CASE NO.:

BC397071

COMPLAINT FOR:

1. BREACH OF WRITTEN CONTRACT;
2. VIOLATIONS OF CAL. PENAL CODE §631;
3. VIOLATIONS OF CAL. PENAL CODE §632;
4. INTRUSION (WIRETAPPING);
5. CONSTITUTIONAL INVASION OF PRIVACY (Cal. Const., Art. I, Sec. 1) (WIRETAPPING);
6. NEGLIGENCE (WIRETAPPING);
7. NEGLIGENT SUPERVISION (WIRETAPPING);
8. INTRUSION (PRIVATE RECORDS);
9. CONSTITUTIONAL INVASION OF PRIVACY (Cal. Const., Art. I, Sec. 1) (RUNNING RECORDS);
10. NEGLIGENCE (PRIVATE RECORDS);
11. NEGLIGENT SUPERVISION (PRIVATE RECORDS)
12. TRESPASS;
13. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
14. NEGLIGENCE (SUPERVISION/ENTRUSTMENT).

DEMAND FOR JURY TRIAL

1 Comes now the Plaintiff, Jane Doe, who, on information and belief,
2 complains and alleges as follows:

3 This complaint is being filed under Doe captioning because some of the
4 underlying facts relate to a confidentiality agreement entered into in December
5 2000 between Jane Doe and John Doe, which John Doe has since violated.

6
7 **THE PARTIES**

8 1. Plaintiff Jane Doe ("Plaintiff") is an individual who, at all relevant times
9 mentioned in this Complaint, was a resident of Los Angeles County.

10 2. Defendant John Doe ("Doe") is an individual whose residence, on
11 information and belief, is in New York.

12 3. Defendant CITY OF BEVERLY HILLS ("City of BH") is a chartered city or
13 municipal corporation duly organized and existing under the laws of the State of
14 California and the charter of the City of Beverly Hills.

15 4. Defendant CRAIG STEVENS ("Stevens") was a public official and sworn
16 law enforcement officer employed by the City of Beverly Hills as a police detective
17 of the Beverly Hills Police Department ("BHPD"). As a public official and sworn
18 law enforcement officer, Stevens owed a duty of honest services to the citizens he
19 was sworn to serve.

20 5. Defendants CHIEF MARVIN D. IANNONE ("Iannone"), CHIEF DAVID L.
21 SNOWDEN ("Snowden"), and CAPTAIN WILLIAM J. HUNT ("Hunt") were
22 public officials and sworn law enforcement officers and, at all relevant times, were
23 employed by the City of BH as a police Chief or Captain. Defendants Iannone,
24 Snowden, and Hunt are being sued in their individual and official capacity.

25 6. Defendant Pacific Bell Telephone Company, which does business as AT&T
26 California, formerly dba SBC California (hereinafter "Pacific Bell"), is a California
27 corporation that currently does business in Los Angeles County. Pacific Bell
28 employed those identified below as DOE employees. Defendant Pacific Bell is a

1 telecommunications carrier that offers electronic communication services to the
2 public.

3 7. On information and belief, Defendant Anthony Pellicano (“Pellicano”) is an
4 individual who, at all relevant times mentioned in this Complaint, was a resident of
5 Los Angeles County, and conducted business in the County of Los Angeles, State
6 of California.

7 8. Plaintiff is ignorant of the true names and capacities of the Defendants sued
8 herein as DOES 1 through 100, including the “DOE employees” identified herein,
9 and therefore sues such Defendants by fictitious names. Plaintiff will seek leave of
10 Court to amend this Complaint to allege their true names and capacities when they
11 have been ascertained. Plaintiff is informed and believes, and thereon alleges, that
12 each of the fictitiously named Defendants was responsible in some manner for the
13 occurrences herein alleged, and that Plaintiff’s damages, as herein alleged, were
14 proximately caused by their conduct.

15 9. At all times herein mentioned, all Defendants, including DOES 1 through
16 100, were the agents, representatives, co-venturers, joint venturers, co-conspirators,
17 servants, and employees of their co-Defendants, and in doing the things hereinafter
18 alleged were acting within the course and scope of their authority as those agents,
19 representatives, co-venturers, joint venturers, co-conspirators, servants, and
20 employees, and with the permission, ratification and consent of their co-
21 Defendants. Plaintiff is informed and believes, and based thereon alleges, that at all
22 times relevant hereto, Defendants, and each of them, including those alleged as
23 fictitiously named Defendants, knowingly pursued a common scheme or plan,
24 course of conduct, acted with, conspired with and/or aided and abetted one another
25 and rendered substantial assistance to accomplish the wrongs alleged herein.

26 10. Defendant Pacific Bell, as the employer of unknown individuals (hereinafter
27 “DOE employees”), is responsible for the acts alleged herein under the theory of
28 *respondeat superior* for the acts of its employees, who using their authority,

1 knowledge, access and ability as employees of Pacific Bell, participated in the
2 conspiracy with Pellicano to engage in the acts complained of herein.

3
4 **GENERAL ALLEGATIONS**

5 11. Plaintiff realleges and incorporates by reference allegations contained in the
6 preceding paragraphs, as though fully set forth herein.

7 12. In December of 1998, Plaintiff met John Doe at the Four Seasons Hotel in
8 Beverly Hills where she had gone to have Sunday Brunch with a girlfriend. The
9 two women briefly spoke with Doe in the lobby; 30 minutes later Doe came into
10 the restaurant, approached them and sat down at their table. Later that same day,
11 Doe called Plaintiff and invited her to dinner. She went to the Beverly Hills Hotel,
12 and she and Doe had dinner at the Ivy Restaurant. When they returned to the hotel,
13 Doe invited Plaintiff to “hang out and watch TV,” which she agreed to do. While
14 in the room, and after 15-20 minutes, Doe attacked Plaintiff and attempted to force
15 her to perform oral sex on him. She refused and was shocked he had so acted.

16 13. A week later, Plaintiff agreed to another date with Doe. They attended a
17 dinner party at the house of Guy Oseary. After the party, they went back to Doe’s
18 hotel, and Plaintiff agreed to watch television with Doe. They talked for a long
19 time. Doe told her he was getting a divorce when he returned to New York and
20 said it would be nice if he could stay with Plaintiff instead of a hotel. Doe
21 attempted to force Plaintiff to have oral sex with him. Then, Doe physically
22 assaulted Plaintiff and had forced intercourse with her. Plaintiff kept—and there
23 still exists—a Kleenex tissue of Doe’s sperm. She was too embarrassed at the time
24 to call the police.

25 14. Plaintiff thereafter became pregnant. She spoke with Oseary, who had Doe
26 call Plaintiff. She advised Doe that she believed he was the father of the child. Doe
27 said he would have a friend call her. Thereafter, the “friend,” attorney Stephen
28 Barnes, called Plaintiff. They met and Plaintiff explained that that sex with Doe

1 had not been consensual. Plaintiff requested prenatal DNA testing, which was
2 refused.

3 15. In June of 1999, Plaintiff began receiving communications from Doe via
4 attorney Robert Clayton. During this period, their relationship was leaked to the
5 tabloids, including *The Globe*. Plaintiff was photographed and followed. On
6 information and belief, Doe hired Defendant Pellicano to do so.

7 16. In July of 1999, Plaintiff began receiving phone calls from Pellicano, and
8 she was instructed to talk to him by Barnes.

9 17. In August of 1999, Plaintiff's child was born.

10 18. In September of 1999, Plaintiff's apartment was broken into numerous
11 times while she was out. Pictures of her daughter went missing. On information
12 and belief, these break-ins were by or at the direction of Pellicano.

13 19. On February 1, 2000, Plaintiff filed a Petition to Establish Parental
14 Relationship. She requested testing with her, Doe, and the child present. Doe
15 refused.

16 20. On April 5, 2000, Plaintiff and the child were tested and compared with a
17 test Doe allegedly took on October 9, 1999, which came up negative.

18 21. In the spring of 2000, Plaintiff began to see a rape counselor, who
19 recommended she file a police report. The rape counselor contacted the Beverly
20 Hills Police Department. On September 27, 2000, at the urging of the counselor,
21 Plaintiff made a report detailing the forced sex by Doe.

22 22. Plaintiff and Doe entered into a confidentiality agreement relating to the
23 testing on December 7 and 15, 2000, respectively. Both parties therein agreed that,
24 among other things, the paternity testing, the result thereof, any and all
25 communications and/or conduct of the parties and their agents, and the alleged
26 and/or suspected paternity of the minor child, including, but not limited to, the
27 alleged and/or suspected father or mother of the minor child would be kept
28 confidential.

1 23. Paternity proceedings are confidential by law in California pursuant to
2 Family Code Section 7643.

3 24. On December 18, 2000, another blood test of both Doe and Plaintiff was
4 performed but under peculiar circumstances. When the blood samples were
5 delivered by Robert Clayton and Plaintiff's attorney, Clayton prematurely jumped
6 out of the car to deliver the blood samples to the lab, thus destroying the chain of
7 control and authenticity so that Plaintiff's attorney could ensure there was no
8 tampering of the samples. The results of that test were negative as to paternity by
9 Doe.

10 25. In September of 2001, Plaintiff dismissed her action against Doe and was
11 appointed guardian of her child.

12 26. On September 10, 2004, and in violation of the confidentiality agreement,
13 Doe appeared on the nationwide radio show of Howard Stern. On that show, Doe
14 falsely stated the following: (1) he was scammed by Plaintiff; (2) Plaintiff had
15 approached him saying she was a big fan and wanted to hang out; (3) she was a
16 sexual dynamo, so amazing that he forgot to wear a condom and she brought out
17 the best in him; (4) she had been set up by a Nigerian hustler as part of a scam; and
18 (5) the Nigerian got her pregnant, and they tried to claim the baby was Doe's and
19 that he should pay child support. These are all false statements and have been very
20 hurtful to Plaintiff, who was raped by Doe, and further violated Plaintiff's
21 confidentiality in many respects, including with her therapist and the police.

22 27. On April 4, 2008, Doe reluctantly took the stand in Los Angeles in the
23 Federal criminal trial of Pellicano and other defendants accused of a massive RICO
24 criminal conspiracy. Doe testified to having his lawyer hire Pellicano to investigate
25 Plaintiff. Doe admitted hiring Pellicano by check dated July 30, 1999 and that
26 Pellicano told him about Plaintiff's police report claiming he had assaulted her.

27 28. Doe told the jury at the trial that he chose to hire Pellicano based on the
28 recommendation of his attorney, Stephen Barnes. When asked whether Doe

1 believed Plaintiff's paternity claim was false and if he had been "shaken down,"
2 Doe irritably stated, "I didn't believe the claim was false, DNA tests proved it was
3 false," continuing, "Someone not pregnant with my child claimed to be pregnant
4 with my child and requested large sums of money." However, Plaintiff never
5 sought large sums—or any money—from Doe.

6 29. Doe also testified that Pellicano had told him the name of Plaintiff's
7 boyfriend. The prosecutor showed Doe that confidential records of Plaintiff and her
8 boyfriend were obtained on July 30, 1999 and were on Pellicano's computer. Doe
9 confirmed he had hired Pellicano on that day.

10 30. Doe testified that he had learned from Pellicano of Plaintiff's allegations of
11 assault. Doe stated that, although he never saw the actual police report Plaintiff
12 made against him, Pellicano told him of its contents.

13 31. Unbeknownst to Doe, Pellicano taped their 2001 conversation about
14 Plaintiff's police report. On March 14, 2008, the conversation was published, and
15 Plaintiff learned for the first time that Doe had obtained her confidential police
16 report, although he knew he was not supposed to have it, and that Doe and
17 Pellicano plotted how they would use the confidential information contained therein
18 to keep Doe from having to take another blood test to establish paternity. Plaintiff
19 learned that Doe was in direct contact with Pellicano and that Pellicano had
20 promised to "blacken this girl up to the left and right" and was doing so with Doe's
21 consent and payment. With this recording, and the testimony of Doe at the trial,
22 Plaintiff now knows that Doe and Pellicano are responsible for the terror tactics
23 used against her, mainly that her confidential records were run, including her DMV
24 and NCIC records, and she believes her phone was tapped and her apartment
25 broken into by or at the direction of Pellicano.

26 32. The police report contains intimate details of Plaintiff's life, including
27 details of Doe's assault, her fear of Doe, and that she had kept a Kleenex of his
28 sperm. This report was read verbatim to Doe, who conspired to thwart justice and

1 prepared an alibi to explain how his sperm came to be on Plaintiff's body.

2 33. In the conversation between Pellicano and Doe in 2001:

- 3 a. Doe admits that Barnes, his attorney, had called him that morning and told
4 him to call Pellicano about "the file"—Plaintiff's confidential police
5 report—and that Pellicano had told Barnes to have Doe call him.
- 6 b. Pellicano advised that he had the police report and wanted to talk to Doe
7 before he gave it to Doe's attorneys, so that Doe would not be
8 "embarrassed."
- 9 c. Pellicano told Doe he was not supposed to have the report and Doe
10 "understood." "I'm not supposed to have this thing," Doe stated.
- 11 d. Pellicano read the report in full to Doe. Pellicano stated he was going to
12 turn over the report to Doe's lawyers.
- 13 e. Doe stated Pellicano was the "toughest person" he called.
- 14 f. Pellicano relayed Plaintiff's version of events in detail, including the
15 graphic details as she recounted them to the police of Doe's two attacks
16 upon her.
- 17 g. Pellicano stated he was going to "get Barnes on the phone" after the call.
- 18 h. Doe referred to Plaintiff's physicality in a demeaning, sexist way.
- 19 i. Doe and Pellicano worked together on how to make Doe's story sound
20 "consistent."
- 21 j. Pellicano revealed that Plaintiff had stated to the police that Doe had
22 "tried to pull out and ejaculated on her thighs," and that Plaintiff has
23 cleaned herself up with a Kleenex that she kept and contained his sperm.
- 24 k. Pellicano and Doe then had the following conversation:

25 PELLICANO: ...is, did, did she come, did you come on her thighs?

26 DOE: Umm, I don't...

27 PELLICANO: You said, you said you had a rubber on, brother, you
said...

28 DOE: I had rubber on. I probably took it off right when I was

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getting ready to come. I probably came on her ass, you know.

PELLICANO: All right.

DOE: Um.

PELLICANO: Okay. So you didn't come in the rubber is what you're saying.

DOE: No.

PELLICANO: So then it could be your DNA?

DOE: It could be.

- l. Pellicano revealed that Plaintiff kept the Kleenex in a freezer.
- m. Pellicano revealed Plaintiff had been too embarrassed to go to the police.
- n. Pellicano revealed when it was that Plaintiff learned she was pregnant.
- o. Pellicano revealed to Doe the other parties to whom Plaintiff had confided that she was pregnant and that Doe was the father.
- p. Pellicano revealed that Plaintiff told Oseary she was pregnant by Doe and asked him to have Doe call her.
- q. Pellicano revealed that Barnes had called Plaintiff and then met with her.
- r. Pellicano revealed details of paternity tests.
- s. Pellicano revealed that Doe had called Plaintiff on occasion and told her, "it's not like anything illegal happened. It's not like I'm a deadbeat dad."
- t. Pellicano revealed that Plaintiff stated her picture had been taken without her knowledge and published in the tabloid *The Globe* without her authorization and alleging Doe as the father of the unborn child.
- u. Pellicano and Doe then had the following exchange:

PELLICANO: So now we know why she kept the Kleenex. Oh, hold on a second. Now we know why she kept the Kleenex.

DOE: (sighs)

PELLICANO: You didn't tell me this shit and that's why I didn't wanna, you know...

DOE: Okay.

PELLICANO: ...get you on the phone with lawyers, brother.

1 DOE: Okay.
2 PELLICANO: ‘Cause I don’t wanna embarrass you and, you know, and
3 I’m, you know, I work with you. You understand what
4 I’m sayin’?
5 DOE: Okay.
6 PELLICANO: So, you gotta change your story now that, uh, that you
7 came on her legs and that that Kleenex can contain, that,
8 see, the thing is that I believe they’re really tryin’ to set
9 you up now, because she had to have told her lawyer
10 about this and they had to have a copy of this fuckin’
11 police report. You see what I’m saying?
12 DOE: Right. Ahhh.
13 PELLICANO: So talk, talk to me. Tell me, now if this refreshes your
14 memory a little bit better, tell me what actually happened.
15 DOE: This, uh, what part?
16 PELLICANO: The part about comin’, man. If you said, you told me you
17 had a rubber on...
18 DOE: I had a rubber. I took it off. I...
19 PELLICANO: You didn’t tell me that when we were in the office,
20 honey.
21 DOE: Okay, I’m sorry.
22 PELLICANO: Okay.
23 DOE: I, I...
24 PELLICANO: See I woulda asked you that, ‘cause then it woulda made
25 sense to me why she had the fuckin’ Kleenex.
26 DOE: Rubber off so what...?
27 PELLICANO: You came on her leg when you were about to come. You
28 just pulled out.
29 DOE: Yeah, yeah.
30 PELLICANO: Did you stick it in her?
31 DOE: Uh, when?
32 PELLICANO: Without the rubber?
33 DOE: No.
34 PELLICANO: All right. So as far as you knew you she, you just came
35 on her leg...
36 DOE: Yeah, I...
37 PELLICANO: You understand? And she went in, she took the Kleenex
38 and kept the fuckin’ Kleenex.
39 DOE: Yeah.
40 PELLICANO: See this, this, now this we’ve turned into the D.A.’s office
41 and the D.A., you know, uh, rejected the case.

1 DOE: Okay. Well, is the, one thing that's missing is the second
2 blood test.
3 PELLICANO: Yeah, now, but the police don't know about that. They
4 only report what they know.
5 DOE: Right.

6 In this passage, Doe agrees to "change his story" to fit the facts Pellicano learned
7 from the police report. The report could have required Doe to take an additional
8 blood test as the Kleenex would establish Doe's DNA and the necessity for another
9 test. This passage regarding the condom is contradicted by Doe's statements on the
10 Howard Stern show. In other words, Doe, to save his career, fabricated a story to
11 ameliorate his unlawful and illegal conduct. Doe has now told three different
12 stories of his physical encounter with Plaintiff: the first to Pellicano and BHPD, that
13 he was wearing a condom; the second one he fabricated with Pellicano, that the
14 condom slipped off; and finally, what he told the Howard Stern audience, that he
15 had no protection.

16 34. Plaintiff obtained a copy of the police report in the Summer of 2001
17 whereupon she discovered that the report had two significant errors in it. When she
18 conveyed this to the detective to whom she had reported, it was agreed there were
19 mistakes, and she was told the corrections would be made. Plaintiff does not know
20 if this occurred.

21 35. At some time after Plaintiff made the police report to the BHPD, Pellicano
22 obtained the confidential report and shared it with Doe and his attorneys so they
23 could use it to assist Doe in evading criminal liability. At this time, Pellicano
24 obtained other confidential information from Defendant Stevens, a corrupt detective
25 at BHPD, who has since pleaded guilty and testified at trial that he obtained
26 confidential information illegally for Pellicano.

27 36. Until the Doe tape with Pellicano was published and Doe testified at the
28 Pellicano trial, Plaintiff had no knowledge that Pellicano, Doe, and his attorneys

1 had been focusing on discrediting her, invading her privacy, and terrorizing her.
2 Plaintiff has done everything possible to protect her rights, including filing a police
3 report. Moreover, Defendants' conduct was unlawful and criminal, and thus,
4 Defendants took great pains to conceal their conduct and identities.

5 37. This evidence, including the testimony of Doe and others, provides the basis
6 for her to bring this action for the torts claimed herein and is an adequate basis for
7 tolling the statute of limitations under the rule of discovery. The following acts
8 have, on information and belief, occurred:

- 9 a. Plaintiff's house was broken into on two occasions and pictures of her
10 child were taken.
- 11 b. Plaintiff's police report was disclosed by BHPD officers to Pellicano,
12 Doe, Steven Barnes, and others.
- 13 c. Plaintiff's phone was tapped.
- 14 d. Plaintiff was followed and received disturbing calls from Pellicano and
15 other agents of Doe.
- 16 e. Plaintiff's criminal and DMV records were run.
- 17 f. A friend of Plaintiff's was phoned and asked personal questions about
18 Plaintiff and her child. This terrified both Plaintiff and her friend.
- 19 g. While Plaintiff was pregnant, *The Globe* tabloid published her picture and
20 information about her pregnancy and her relationship with Doe and that
21 Doe was the alleged father of her child. Plaintiff kept all information
22 regarding her pregnancy private. On information and belief, Pellicano
23 regularly provided information to the tabloids and did so in connection
24 with *The Globe* publication, an invasion of her privacy.

25 38. Plaintiff's life has been seriously affected, and she has been damaged by the
26 wrongful conduct of these Defendants. Doe and Pellicano set out to destroy her
27 public reputation and have succeeded in doing so. Plaintiff comes from a well-to-
28 do family, has been well educated, and is a college graduate who keeps her personal

1 life private. Doe and Pellicano, however, to save the career of the man who
2 assaulted Plaintiff, did what they could to “blacken her up,” and have succeeded in
3 doing so. Doe appeared on Howard Stern where he made false statements,
4 including the assertion that Plaintiff had attempted to extort him as part of a scam
5 with a “Nigerian.” The Defendants’ conduct is all the more offensive because a
6 minor is involved, and a confidentiality agreement was in place to protect all
7 parties, including Plaintiff’s child. Plaintiff made a confidential police report about
8 Doe wherein she stated numerous personal details of her life and how Doe had
9 raped her. This is now all public because Pellicano corrupted the BHPD, and Doe
10 shared in the fruits thereof. Plaintiff has been humiliated and embarrassed. She has
11 been severely depressed due to their conduct. She is worried for her safety and that
12 of her child, is chagrined, and feels powerless.

13
14 **FIRST CAUSE OF ACTION**

15 **BREACH OF WRITTEN CONTRACT**

16 **Plaintiff against Defendant Doe**

17 39. Plaintiff realleges and incorporates by reference allegations contained in the
18 preceding paragraphs, as though fully set forth herein.

19 40. Plaintiff and Doe entered into a confidentiality agreement relating to the
20 testing on December 7 and 15, 2000, respectively.

21 41. The confidentiality agreement provided:

22 1.A. Both Petitioner and Respondent specifically agree, on behalf of
23 themselves, their attorneys, agents, assigns and representatives, that
24 the following information, except as otherwise provided herein, shall
be and shall remain confidential.

25 B. Neither party shall in any manner, either directly, indirectly or
26 by inference, discuss, disclose, share or disseminate facts, news or
27 information regarding these proceedings, to or with, any person or
28 entity (including, but not limited to, any member of the press and/or
media), including without limitation, tabloids, entertainment news

1 programs, writers, reporters, internet services, wire services, news
2 outlets of the like, by any means whatsoever, whether known or
3 unknown:

4 (1) The existence of this Agreement;

5 (2) The terms of this Agreement;

6 (3) The alleged and/or suspected paternity of the minor child,
7 including, but not limited to, the alleged and/or suspected father or
8 mother of the minor child;

9 (4) Petitioner or Respondent having been subjected to
10 paternity testing;

11 (5) The results of any genetic testing performed in this
12 action. The results of genetic testing shall be discussed only by and
13 between the parties and their respective attorneys and/or
14 representatives. No part of the test results, including copies of the test
15 results themselves, shall be disclosed, or revealed to any person or
16 entity whatsoever, including, but not limited to, members of the press
17 and/or media.

18 (6) The content and nature of any and all communications
19 between the parties, and/or the parties and their attorneys, agents or
20 representatives;

21 (7) The status and/or content of these proceedings, including,
22 but not limited to, the nature or content of any documents filed in
23 connection herewith, any pending events, hearings, rulings and/or any
24 facts, evidence or testimony herein. ...

25 4.A. A disclosure by the parties, their attorneys, agents, assigns or
26 representatives, of any of the matters encompassed or contemplated
27 by this Agreement shall constitute a material breach hereof, which
28 breach shall render the breaching party as a result of the disclosure.
Such damages shall include, but are not limited to, damage to
professional reputation, standing and/or goodwill and lost earnings
and/or earning potential. The breaching party shall similarly be
obligated to account to the non-breaching party as to all monies,
profits, other consideration or benefits which the breaching party (or
any person or entity on the breaching party's behalf) received or
derived from the disclosure or other exploitation of any of the matters
encompassed or contemplated by this Agreement, and shall disgorge
same to the non-breaching party.

42. On September 10, 2004, and in violation of the confidentiality agreement,
Doe appeared on the nationwide radio show of Howard Stern. On that show, Doe

1 falsely stated the following: (1) he was scammed by Plaintiff; (2) Plaintiff had
2 approached him saying she was a big fan and wanted to hang out; (3) she was a
3 sexual dynamo, so amazing that he forgot to wear a condom and she brought out
4 the best in him; (4) she had been set up by a Nigerian hustler as part of a scam; and
5 (5) the Nigerian got her pregnant, and they tried to claim the baby was Doe's and
6 that he should pay child support. These are all false statements and have been very
7 hurtful to Plaintiff, who was raped by Doe, and further violated Plaintiff's
8 confidentiality in many respects, including with her therapist and the police.

9 43. Doe has violated the agreement by discussing on national radio the alleged
10 and/or suspected paternity of the minor child, including the alleged and/or
11 suspected father or mother of the minor child. Plaintiff has suffered loss of
12 reputation as a result thereof. As a result thereof, Plaintiff has suffered emotional
13 distress as a result thereof, and such economic damages as shall be proved at trial,
14 all in excess of the minimum jurisdictional limit of the Court.

15
16 **SECOND CAUSE OF ACTION**

17 **UNLAWFUL WIRETAPPING IN VIOLATION OF CALIFORNIA PENAL**
18 **CODE §631**

19 **Plaintiff against Defendants Doe, Pacific Bell Telephone Company, Pellicano,**
20 **and Doe Employees**

21 44. Plaintiff Doe realleges and incorporates by reference allegations contained
22 in the preceding paragraphs, as though fully set forth herein.

23 45. On information and belief, Defendant Doe paid Pellicano to intercept
24 Plaintiff's communications and perform other illegal activity. Plaintiff is informed,
25 and based thereon alleges that her confidential telephone conversations were, *inter*
26 *alia*, intercepted and disclosed by Defendants without her knowledge or consent.

27 46. In particular, with the help of Pacific Bell and DOE employees, Pellicano
28 implemented and maintained an illegal wiretap on Plaintiff's telephone. As part of

1 their common scheme, DOE employees obtained confidential and proprietary
2 telephone company information regarding Plaintiff under the guise of performing
3 legitimate work-related duties. DOE employees provided Pellicano with access to
4 Pacific Bell's communication system to effectuate the wiretapping, eavesdropping
5 and recording of Plaintiff's private and confidential conversations.

6 47. Plaintiff, on information and belief, alleges that with the help and assistance
7 of Pacific Bell and DOE employees, Pellicano intercepted and disclosed the
8 contents of several hundred, if not thousands, of Plaintiff's telephone calls,
9 including without limitation confidential communications between Plaintiff and her
10 attorneys, family, and friends. The communications contained personal, private,
11 and embarrassing information about Plaintiff. The motivation for the illegal
12 wiretap was to glean information to secure a tactical advantage against Plaintiff,
13 including any plans, strategies, perceived strengths and weaknesses, and other
14 highly confidential information.

15 48. These interceptions and disclosures took place in Los Angeles County.
16 Plaintiff only became aware of the interception and disclosure of her confidential
17 communications within the past year.

18 49. At all pertinent times, DOE employees engaged in and conspired with
19 Pellicano and other individuals and entities in a common scheme to eavesdrop on
20 and record Plaintiff's confidential telephone communications.

21 50. At all pertinent times, Defendant Pellicano engaged in and conspired with
22 Defendant Doe and other individuals and entities in a common scheme to eavesdrop
23 on Plaintiff and record her confidential telephone communications.

24 51. On information and belief, Defendants Doe was fully aware that Pellicano
25 had illegally intercepted Plaintiff's telephone calls. On information and belief, Doe
26 listened to illegally recorded conversations of Plaintiff at Pellicano's office.

27 52. Plaintiff had a reasonable expectation of privacy in the intercepted
28 conversations and also had a reasonable expectation that her conversations would

1 not be intercepted.

2 53. Defendants aided, agreed with, employed, and/or conspired to and/or
3 intentionally used a machine, instrument, or contrivance, or some other manner, to
4 tap or make an unauthorized connection to Plaintiff's telephone wire, line, cable, or
5 instrument; and/or

6 54. Defendants aided, agreed with, employed, and/or conspired to and/or
7 willfully and without Plaintiff's consent attempted to learn the contents of
8 Plaintiff's communications while the same was in transit or passing over a wire,
9 line, or cable which were being sent from and/or received at a place within this
10 state; and/or

11 55. Defendants aided, agreed with, employed, and/or conspired to and/or used,
12 or attempted to make use, and/or to communicate information obtained as a result
13 of the acts described above.

14 56. Defendants did not notify Plaintiff of the above-described interception,
15 recording, eavesdropping, or disclosure, nor did Plaintiff consent to such.
16 Plaintiff's conversations were held with the reasonable expectation that they were
17 confidential and confined to the parties involved in the telephonic communications,
18 and at no time did Plaintiff consent to eavesdropping on or recording of her
19 confidential communications. In fact, Plaintiff first learned of the above-described
20 interception, recording, eavesdropping, and disclosure within the past year.

21 57. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
22 suffered damages, including emotional distress damages, all according to proof at
23 trial, but in excess of the minimum jurisdictional limit of the Court.

24 58. Plaintiff has been aggrieved as a proximate result of Defendants' actions
25 alleged above. Consequently, she seeks damages pursuant to Penal Code §637.2 in
26 an amount that is the greater of (1) \$5,000 per violation or (2) three times the
27 amount of her actual damages.

28 //

1 **THIRD CAUSE OF ACTION**

2 **UNLAWFUL EAVESDROPPING IN VIOLATION OF CALIFORNIA PENAL**
3 **CODE §632**

4 **Plaintiff against Defendants Doe, Pacific Bell Telephone Company, Pellicano,**
5 **and Doe Employees**

6 59. Plaintiff realleges and incorporates by reference allegations contained in the
7 preceding paragraphs, as though fully set forth herein.

8 60. Defendants conspired to and/or used a recording device to intentionally
9 eavesdrop upon and/or record Plaintiff's confidential communications without her
10 consent.

11 61. Plaintiff had a reasonable expectation of privacy that her communications
12 would not be overheard or recorded.

13 62. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
14 suffered damages, including emotional distress damages, all according to proof at
15 trial, but in excess of the minimum jurisdictional limit of the Court.

16 63. Plaintiff has been aggrieved as a proximate result of Defendants' actions
17 alleged above. Consequently, she seeks damages pursuant to Penal Code §637.2 in
18 an amount that is the greater of (1) \$5,000 per violation or (2) three times the
19 amount of her actual damages.

20
21 **FOURTH CAUSE OF ACTION**

22 **COMMON LAW INTRUSION**

23 **Plaintiff against Defendants Doe, Pacific Bell Telephone Company, Pellicano,**
24 **and Doe Employees**

25 64. Plaintiff realleges and incorporates by reference allegations contained in the
26 preceding paragraphs, as though fully set forth herein.

27 65. Defendants conspired to and intentionally intruded into Plaintiff's solitude
28 and private affairs by surreptitiously wiretapping and eavesdropping on her

1 conversations without her knowledge or consent.

2 66. Defendants' intrusion was highly offensive to a reasonable person because,
3 among other things, the intrusion resulted in the revelation of confidential and
4 private communications.

5 67. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
6 suffered damages, including emotional distress damages, all according to proof at
7 trial, but in excess of the minimum jurisdictional limit of the Court.

8 68. In addition, Defendants' conduct as described herein was done with a
9 conscious disregard of Plaintiff's rights, and was done with the intent to vex and
10 annoy her. Defendants' acts constitute oppression, fraud, and/or malice under
11 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
12 an amount appropriate to punish or set an example of the Defendants, and each of
13 them, in an amount to be determined at trial.

14
15 **FIFTH CAUSE OF ACTION**

16 CONSTITUTIONAL INVASION OF PRIVACY (CAL. CONST. ART. I, §1)

17 **Plaintiff against Defendants Doe, Pacific Bell Telephone Company, Pellicano,**
18 **and Doe Employees**

19 69. Plaintiff realleges and incorporates by reference allegations contained in the
20 preceding paragraphs, as though fully set forth herein.

21 70. Plaintiff had a legally protected privacy interest in her confidential
22 telephone conversations with her attorneys, family, and friends.

23 71. Plaintiff had a reasonable expectation of privacy under the circumstances
24 that her confidential conversations would not be intercepted, overheard, and/or
25 recorded by Defendants.

26 72. Defendants' conduct in wiretapping Plaintiff's telephone conversations
27 constitutes a serious invasion of privacy.

28 73. As a direct and proximate result of Defendants' acts alleged above, Plaintiff

1 suffered damages, including emotional distress damages, all according to proof at
2 trial, but in excess of the minimum jurisdictional limit of the Court.

3 74. In addition, Defendants' conduct as described herein was done with a
4 conscious disregard of Plaintiff's rights, and was done with the intent to vex and
5 annoy her. Defendants' acts constitute oppression, fraud, and/or malice under
6 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
7 an amount appropriate to punish or set an example of the Defendants, and each of
8 them, in an amount to be determined at trial.

9
10 **SIXTH CAUSE OF ACTION**

11 **NEGLIGENCE**

12 **Plaintiff against Defendants Doe, Pacific Bell Telephone Company, Pellicano,**
13 **and Doe Employees**

14 75. Plaintiff realleges and incorporates by reference allegations contained in the
15 preceding paragraphs, as though fully set forth herein.

16 76. Upon information and belief, Plaintiff alleges that pursuant to Pacific Bell's
17 written Code of Business Conduct and the Rules and Regulations of the Public
18 Utilities Commission of California, Pacific Bell and its employees owed Plaintiff a
19 duty to maintain the privacy of her records, including the telephone number and
20 type of telephone lines and records of her telephone usage.

21 77. Defendant Pacific Bell and Doe employees breached this duty by it failing
22 to take steps to maintain the privacy of Plaintiff's records.

23 78. Defendants Pellicano and Doe had a duty to Plaintiff to refrain from
24 committing torts against Plaintiff and to abide by the laws of the United States and
25 California.

26 79. Defendants Pellicano and Doe breached their duties by engaging in a
27 scheme to illegally wiretap Plaintiff, thereby intercepting and disclosing Plaintiff's
28 private and confidential telephone calls without her consent.

1 80. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
2 suffered damages, including emotional distress damages.

3
4 **SEVENTH CAUSE OF ACTION**

5 **NEGLIGENT SUPERVISION**

6 **Plaintiff against Defendant Pacific Bell Telephone Company**

7 81. Plaintiff realleges and incorporates by reference allegations contained in the
8 preceding paragraphs, as though fully set forth herein.

9 82. Upon information and belief, Plaintiff alleges that, pursuant to Pacific Bell's
10 written Code of Business Conduct and the Rules and Regulations of Public Utilities
11 Commission of California, Defendant Pacific Bell's employees are prohibited from
12 accessing, using, or disclosing customer records, reports, or proprietary information
13 without a valid business reason.

14 83. Pacific Bell had a duty to train, supervise, and oversee DOE employees, and
15 to instruct them as to the policies and practices that prohibit employees from
16 accessing, using, or disclosing customer records, reports, or proprietary information
17 without a valid business reason.

18 84. Pacific Bell failed to properly enforce its policies and procedures
19 prohibiting its employees from accessing, using, or disclosing customer records,
20 reports or proprietary information without a valid business reason and to properly
21 supervise DOE employees.

22 85. Pacific Bell knew or should have known that DOE employees were not
23 maintaining the privacy of Plaintiff's records, and therefore it had a duty to oversee
24 and investigate DOE employees' conduct.

25 86. Pacific Bell breached one or more of the foregoing duties owed to Plaintiff
26 by failing to take steps to prevent DOE employees' actions. Pacific Bell also
27 breached the duties owed to Plaintiff as it failed to adequately supervise DOE
28 employees to ensure Plaintiff's private records were properly maintained.

1 87. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
2 suffered damages, including emotional distress damages.
3

4 **EIGHTH CAUSE OF ACTION**

5 **COMMON LAW INTRUSION**

6 **Plaintiff against All Defendants Except Pacific Bell Telephone Company and**
7 **City of BH**

8 88. Plaintiff realleges and incorporates by reference allegations contained in the
9 preceding paragraphs, as though fully set forth herein.

10 89. Defendants conspired to and intentionally intruded into Plaintiff's solitude
11 and private affairs by accessing and disclosing confidential and private law
12 enforcement records for non-law enforcement purposes without Plaintiff's
13 knowledge or consent, including without limitation Plaintiff's police report and
14 Plaintiff's NCIC information.

15 90. Defendants' intrusion was highly offensive to a reasonable person because,
16 by law, Plaintiff's private law enforcement records cannot be accessed for non-law
17 enforcement purposes or be disclosed to persons lacking legal authority to have
18 access to such information.

19 91. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
20 suffered damages, including emotional distress damages, all according to proof at
21 trial, but in excess of the minimum jurisdictional limit of the Court.

22 92. In addition, Defendants' conduct as described herein was done with a
23 conscious disregard of Plaintiff's rights, and was done with the intent to vex and
24 annoy her. Defendants' acts constitute oppression, fraud and/or malice under
25 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
26 an amount appropriate to punish or set an example of the Defendants, and each of
27 them, in an amount to be determined at trial.
28

1 **NINTH CAUSE OF ACTION**

2 **CONSTITUTIONAL INVASION OF PRIVACY (CAL. CONST. ART. I, §1)**

3 **Plaintiff against All Defendants Except Pacific Bell Telephone Company**

4 93. Plaintiff realleges and incorporates by reference allegations contained in the
5 preceding paragraphs, as though fully set forth herein.

6 94. Plaintiff had a legally protected privacy interest her law enforcement
7 records and information, including without limitation Plaintiff's police report and
8 Plaintiff's NCIC information.

9 95. Plaintiff had a reasonable expectation of privacy under the circumstances
10 that her police report and law enforcement records would not be disclosed and/or
11 accessed for non-law enforcement purposes and/or disclosed to persons lacking
12 legal authority to have access to such information.

13 96. Defendants' conduct constitutes a serious invasion of privacy because, by
14 law, Plaintiff's private law enforcement records cannot be accessed for non-law
15 enforcement purposes or disclosed to persons lacking legal authority to have access
16 to such information.

17 97. As a direct and proximate result of Defendants' acts alleged above, Plaintiff
18 suffered damages, including emotional distress damages, all according to proof at
19 trial, but in excess of the minimum jurisdictional limit of the Court.

20 98. In addition, Defendants' conduct as described herein was done with a
21 conscious disregard of Plaintiff's rights, and was done with the intent to vex and
22 annoy her. Defendants' acts constitute oppression, fraud and/or malice under
23 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
24 an amount appropriate to punish or set an example of the Defendants, and each of
25 them, in an amount to be determined at trial.

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28 //

1 **TENTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **Plaintiff against All Defendants**

4 99. Plaintiff realleges and incorporates by reference allegations contained in the
5 preceding paragraphs, as though fully set forth herein.

6 100. Upon information and belief, Plaintiff alleges that pursuant to common
7 law, statute, and law enforcement policies, Defendants owed Plaintiff duties not to
8 (1) make unauthorized use of information obtained through employment, (2)
9 disclose law enforcement information except as required in the performance of
10 official duties, (3) use law enforcement computer systems and information obtained
11 through them for non-official purposes, and (4) release criminal history and law
12 enforcement information to individuals lacking legal authority to have access to
13 such information.

14 101. Defendants breached these duties by (1) making unauthorized use of
15 information available to them through their employment as law enforcement
16 officers, (2) disclosing law enforcement information for non-official purposes, (3)
17 using law enforcement computer systems and information obtained therefrom for
18 non-official purposes, and (4) releasing criminal history and law enforcement
19 information to individuals lacking legal authority to have access to such
20 information.

21 102. As a direct and proximate result of Defendants' acts alleged above,
22 Plaintiff suffered damages, including emotional distress damages, all according to
23 proof at trial, but in excess of the minimum jurisdictional limit of the Court.

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1 **ELEVENTH CAUSE OF ACTION**

2 **NEGLIGENT SUPERVISION**

3 **Plaintiff against Defendants Chief David L. Snowden, Chief Martin D. Iannon,**
4 **Captain William J. Hunt**

5 103. Plaintiff realleges and incorporates by reference allegations contained in
6 the preceding paragraphs, as though fully set forth herein.

7 104. Upon information and belief, Plaintiff alleges that pursuant to statute and
8 law enforcement policies, Defendants owed Plaintiff duties not to (1) make
9 unauthorized use of information obtained through his employment, (2) disclose law
10 enforcement information except as required in the performance of his official
11 duties, (3) use law enforcement computer systems and information obtained
12 through them for non-official purposes, and (4) release criminal history and law
13 enforcement information to individuals lacking legal authority to have access to
14 such information.

15 105. Defendants had a duty to train, supervise, and oversee its employees, and
16 to instruct them as to the policies and practices that prohibit law enforcement
17 officers from accessing, using, or disclosing criminal history and law enforcement
18 information for non-official purposes and to persons lacking legal authority to have
19 access to such information. Defendants also had a duty to investigate their
20 respective employees' conduct.

21 106. Defendants failed to supervise and/or properly enforce its policies and
22 procedures prohibiting its employees from (1) accessing and using Plaintiff's
23 criminal history and law enforcement information for non-official purposes, (2)
24 disclosing such information to persons lacking legal authority to have access to
25 such information and (3) accepting outside employment without prior approval and
26 (4) disclosing police reports to non-law enforcement third parties.

27 107. Defendants knew or should have known that their respective employees
28 were (1) accessing and using Plaintiff's criminal history and law enforcement

1 information for non-official purposes, (2) disclosing such information to persons
2 lacking legal authority to have access to such information (3) accepting outside
3 employment without prior approval and (4) disclosing police reports to third
4 parties. By so knowing, Defendants ratified the conduct.

5 108. Defendants breached one or more of the foregoing duties owed to Plaintiff
6 by failing to take steps to prevent their respective employees' actions. Defendants
7 also breached the duties owed to Plaintiff as they failed to adequately oversee,
8 investigate, and supervise their respective employees' conduct.

9 109. As a direct and proximate result of Defendants' acts alleged above,
10 Plaintiff suffered damages, including emotional distress damages, all according to
11 proof at trial, but in excess of the minimum jurisdictional limit of the Court.

12 13 **TWELFTH CAUSE OF ACTION**

14 **TRESPASS**

15 **Plaintiff against Defendants Doe and Pellicano**

16 110. Plaintiff realleges and incorporates by reference allegations contained in
17 the preceding paragraphs, as though fully set forth herein.

18 111. Defendants Doe and Pellicano intended to and did enter on to the property
19 of Plaintiff. In September of 1999, Plaintiff's apartment was broken into numerous
20 times while she was out. Pictures of her daughter went missing. On information
21 and belief, these break-ins were by or at the direction of Pellicano for the benefit of
22 Doe. The testimony of Doe and others, which only occurred within the last year,
23 provides the basis for Plaintiff to bring this cause of action and is an adequate basis
24 for tolling the statute of limitations under the rule of discovery.

25 112. Plaintiff had the right to possession of the property that Defendants Doe
26 and Pellicano entered.

27 113. As a direct and proximate result of Defendants' acts alleged above,
28 Plaintiff suffered damages, including emotional distress damages.

1 114. In addition, Defendants' conduct as described herein was done with a
2 conscious disregard of Plaintiff's rights, and was done with the intent to vex and
3 annoy her. Defendants' acts constitute oppression, fraud and/or malice under
4 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
5 an amount appropriate to punish or set an example of the Defendants, and each of
6 them, in an amount to be determined at trial.

7
8 **THIRTEENTH CAUSE OF ACTION**

9 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

10 **Plaintiff against All Defendants Except City of BH**

11 115. Plaintiff realleges and incorporates by reference allegations contained in
12 the preceding paragraphs, as though fully set forth herein.

13 116. Defendants' acts of conspiring to and/or using a recording device to
14 intentionally eavesdrop upon and/or record Plaintiff's confidential communications
15 without her consent and accessing her law enforcement records and police report
16 for non-law enforcement purposes and/or disclosing them to persons lacking legal
17 authority to have access to such information were outrageous.

18 117. Defendants intended to cause Plaintiff emotional distress or acted in
19 reckless disregard of the probability of causing her emotional distress, and did so
20 for the purpose of causing Plaintiff to suffer humiliation and mental anguish. In
21 particular, Pellicano had promised to "blacken this girl up to the left and right" and
22 was doing so with Doe's consent and payment.

23 118. Plaintiff suffered severe emotional distress as a proximate result of
24 Defendants' outrageous conduct.

25 119. As a direct and proximate result of Defendants' acts alleged above,
26 Plaintiff suffered damages, including emotional distress damages.

27 120. In addition, Defendants' conduct as described herein was done with a
28 conscious disregard of Plaintiff's rights, and was done with the intent to vex and

1 annoy her. Defendants' acts constitute oppression, fraud and/or malice under
2 California Civil Code §3294, entitling Plaintiff to an award of punitive damages in
3 an amount appropriate to punish or set an example of the Defendants, and each of
4 them, in an amount to be determined at trial.

5
6 **FOURTEENTH CAUSE OF ACTION**

7 **NEGLIGENCE**

8 **Plaintiff against Defendant Doe**

9 121. Plaintiff realleges and incorporates by reference allegations contained in
10 the preceding paragraphs, as though fully set forth herein.

11 122. Upon information and belief, Plaintiff alleges that pursuant to common law
12 and statute, Doe owed Plaintiff duties of due care to not cause her injury and not to
13 subject her to an unreasonably intrusive investigation.

14 123. Doe breached these duties by acting below the standard of care by
15 choosing his detective agency to conduct an investigation into Plaintiff and by
16 failing to supervise his detective agency's conduct. Doe knew or should have
17 known that Defendant Pellicano used unlawful means of investigation and
18 subjected his victims to unreasonably intrusive investigations. Pellicano was well
19 known for his heavy-handed, terrorizing investigative tactics, including but not
20 limited to, wiretapping, gaining unauthorized law enforcement and DMV
21 information, illegally obtaining police reports, physically accosting his subjects and
22 witnesses, illegally hacking into computers, making threatening phone calls, and
23 other methods of intimidation. All of Pellicano's tactics were intended to cause the
24 subject of the investigation to be so fearful for their life, and that of their family and
25 friends, that they would do whatever it was Pellicano wanted, all to the benefit of
26 Pellicano's principals. Doe was reckless, or at least negligent, in his supervision of
27 Pellicano, which supervision was non-existent as Pellicano was allowed to break
28 laws and commit torts in the scope of his agency for Doe.

1 124. As a direct and proximate result of Defendants' acts alleged above,
2 Plaintiff suffered damages, including emotional distress damages, all according to
3 proof at trial, but in excess of the minimum jurisdictional limit of the Court.
4

5 **PRAYER FOR RELIEF**

6 Wherefore, Plaintiff prays for judgment against the Defendants, and each of
7 them, as follows:

- 8 1. Actual damages;
- 9 2. Statutory damages to the extent permitted by law;
- 10 3. Trebling of damages to the extent permitted by law;
- 11 4. Injunctive relief;
- 12 5. Punitive damages;
- 13 6. Costs of suit;
- 14 7. For such other, further, and different relief as the Court deems proper
15 under the circumstances.

16
17 DATED: August 22, 2008

JOHNSON & JOHNSON LLP

18
19 By 

20 Neville L. Johnson
21 Douglas L. Johnson
22 Attorney for Plaintiff,
23 Jane Doe
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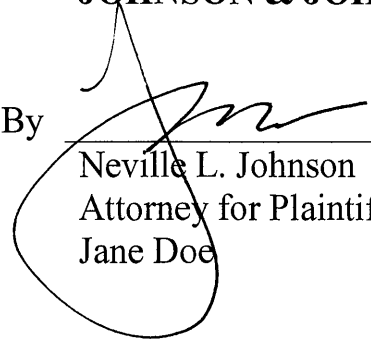
DEMAND FOR JURY TRIAL

Plaintiff, JANE DOE, hereby demands a trial by jury.

DATED: August 22, 2008

JOHNSON & JOHNSON LLP

By



Neville L. Johnson
Attorney for Plaintiff,
Jane Doe