

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

<p>LIZA GARDNER,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SEAN COMBS, AARON HALL, MCA INC., MCA MUSIC ENTERTAINMENT GROUP, GEFFEN RECORDS, JOHN and JANE DOES 1-10 and ABC CORPS. 1-10</p> <p style="text-align: center;">Defendants.</p>

Case Number

**Plaintiff Designates
New York County is the
venue for Trial**

SUMMONS

To the named Defendant (s):

YOU ARE at this moment SUMMONED to answer the Complaint in this action and serve a copy of your answer or, if the Complaint is not served with this summons, to serve a notice of appearance on the Plaintiffs' Attorneys within 20 days after the service of this summons. Exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York). If you fail to appear or answer, judgment will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NEW YORK COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: November 23, 2023
Brooklyn, New York

T. A. BLACKBURN LAW, PLLC.
By: *Tyrone A. Blackburn, Esq.*
Tyrone A. Blackburn, Esq.
Attorney for Plaintiff
1242 E. 80th Street, 3rd Floor
Brooklyn, New York 11236

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COUNTY OF NEW YORK**

<p>LIZA GARDNER,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SEAN COMBS, AARON HALL, MCA INC., MCA MUSIC ENTERTAINMENT GROUP, GEFFEN RECORDS, JOHN and JANE DOES 1-10 and ABC CORPS. 1-10</p> <p style="text-align: center;">Defendants.</p>

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COMPLAINT

Plaintiff Liza Gardner, by and through her attorneys at T. A. Blackburn Law, PLLC., alleges as follows:

This Draft Complaint Is being Filed Tonight to Preserve the Statute of Limitations Under the Adult Survivors Act, N.Y. C.P.L.R. Liza Gardner is securing her medical records, witness affidavits, and other supporting evidence. This case will be amended and refiled within the coming weeks. Plaintiff Gardner is filing this correction to update the caption from Jane Doe to Liza Gardner.

INTRODUCTION

1. Plaintiff Liza Gardner files this Complaint for damages and other relief under the Trafficking Victim Protection Act (“TVPA”), 18 U.S.C. §§ 1591–95, *et seq* and common law.

2. This cause of action is timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j (McKinney 2022) because it arises out of conduct perpetrated against Plaintiff, who was the statutory age or older at the time of the conduct, which constitutes multiple sexual offenses as defined Article 130 of the New York Penal Law (“Article 130”).

3. This suit arises from the actions of Defendants SEAN COMBS (“Combs”), AARON HALL (“Hall”), MCA INC. (“MCA”), MCA MUSIC ENTERTAINMENT GROUP

(“MCA MUSIC”), GEFEN RECORDS (“GR”), JOHN and JANE DOES 1-10 and ABC CORPS. 1-10 and their participation in the harm visited upon Plaintiff Liza Gardner.

4. Liza Gardner is a Caucasian female and a United States citizen who was, at all relevant times, a resident of and domiciled in the State of North Carolina.

5. Combs is a United States citizen and was at all relevant times a resident of and domiciled in the State of New York.

6. Hall is a United States citizen and was at all relevant times a resident of and domiciled in the State of New York. Upon information and belief, Hall has bragged about his sexual promiscuity and the fact that he has engaged in sexual intercourse with minors. Hall also confirmed Comb's presence in the room when he engaged in these sex acts. Hall's disgusting claims are eerily similar, if not identical, to the trauma he and Combs visited upon Plaintiff Gardner.

7. MCA is a global Music Company headquartered in University City, California. MCA is licensed by the New York State as a foreign business.

8. MCA Music is a global Music Company headquartered in University City, California. MCA Music is licensed by the New York State as a foreign business.

9. GR is a global Music Company headquartered in University City, California. GR is licensed by the New York State as a foreign business.

10. During the relevant period, Defendants John and Jane Does 1-10 are currently unknown individuals and/or employees who aided and/or abetted in the commission of conduct complained of herein and/or who either acted within the scope of their employment, Defendants ratified, embraced and added to this conduct. As parties engage in discovery, Plaintiff retains the right to amend the Complaint to add these individual employees by name.

11. During the relevant period, Defendants ABC Corps. 1-10 are currently unknown entities who employed Plaintiff or aided and/ or abetted in the commission of conduct complained of herein. As the parties engage in discovery, Plaintiff retains the right to amend the Complaint to add these entities or individuals by name.

JURISDICTION AND VENUE

12. This Court has personal jurisdiction over the Defendant under and consistent with the Constitutional requirements of Due Process in that the Defendant, acting directly or through his agents or apparent agents, committed one or more of the following:

- a. The transaction of any business within the state;
- b. The making of any contract within the state;
- c. The commission of a tortious act within this district and
- d. The ownership, use, or possession of any real estate in this state.

SUMMARY OF FACTUAL ACCUSATIONS

13. Upon information and belief, in 1990, Liza Gardner was in NYC with a friend. They were invited to NYC by close friends who were members of a chart-topping recording group signed to MCA Records. Ms. Gardner and the members of this group are all from North Carolina¹.

14. Liza Gardner and her friend met Combs and Hall at the offices of MCA Records for an event hosted by MCA Records.

15. Combs and Hall were very flirtatious and handsy with Liza Gardner and her friend, offering them drinks throughout the night.

16. Towards the end of the night, Liza Gardner and her friend were invited by Combs and Hall back to Hall's apartment for an afterparty.

17. While at Hall's apartment, Liza Gardner was offered more drinks and was coerced into having sex with Combs.

18. After Combs finished doing his business, Liza Gardner laid in bed, shocked and traumatized. As she was in the process of getting dressed, Hall barged into the room, pinned her down, and forced Liza Gardner to have sex with him.

19. After Hall finished raping Liza Gardner, she quickly got dressed and ran out of Hall's house. Her friend left shortly after.

¹ Recently, several members of this group have confirmed Ms. Gardner's claims in this Complaint. They will be subpoenaed through the discovery process.

20. Liza Gardner's friend shared with her that she, too, had been forced to have sex with Combs and Hall in another room. Upon information and belief, when Combs finished with Liza Gardner, he and Hall switched, and they commenced assaulting Liza Gardner's friend.

21. A couple of days later, Combs came to the home where Liza Gardner and her friend were staying. He was irate and began assaulting and choking Liza Gardner to the point that she passed out.

22. Combs was searching for Liza Gardner's friend because he was worried that she would tell the girl he was with at the time what he and Hall had done to them.

DAMAGES

23. After this incident, Liza Gardner informed her close friends and family about what had occurred.

24. Over the years, she has sought medical treatment to heal from the trauma visited upon her by Combs and Hall.

FIRST CAUSE OF ACTION

Battery

25. Liza Gardner incorporates by reference all preceding paragraphs and re-alleges them as if set forth fully herein.

26. Defendants committed battery against Liza Gardner when they penetrated Liza Gardner and physically assaulted her (Combs) against her will.

27. Defendants intentionally, and without her consent, attacked Liza Gardner to satisfy their sexual desires. Under all circumstances, the defendants' physical contact with Liza Gardner was offensive and wrongful. Defendants continued to attack Liza Gardner despite her attempts to thwart their actions.

28. Defendants' conduct was the direct and proximate cause of Liza Gardner's past and future substantial damages, including significant pain and suffering, lasting psychological and financial harm, loss of dignity, and invasion of privacy.

29. The Defendant's actions constitute sexual offenses as defined in Article 130 of the New York Penal Law, including but not limited to sexual misconduct (§130.20) and forcible touching (§ 130.52).

30. The Plaintiff's claim for battery is thus timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j.

SECOND CAUSE OF ACTION**Assault/Sexual Assault**

31. Liza Gardner incorporates by reference all preceding paragraphs and re-alleges them as if set forth fully herein.

32. As described above, Defendants frightened and placed Plaintiff in apprehension of harm when they physically assaulted her and within the State of New York.

33. Defendants forcibly touched and attempted and/or threatened to touch Plaintiff's intimate areas and/or touch her with his intimate body parts.

34. As a result of Defendant's conduct, Plaintiff has suffered and continues to suffer harm, including physical injury, severe emotional distress, humiliation, anxiety, and other consequential damages for which she is entitled to an award of monetary damages and other relief.

35. The conduct of Defendants described above was willful, wanton, and malicious. At all relevant times, Defendants acted with conscious disregard for Plaintiff's rights and feelings, acted with the knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to Plaintiff, and intended to cause fear, physical injury and/or pain and suffering to Plaintiff. By virtue of the foregoing, Plaintiff is entitled to recover punitive damages.

36. This cause of action is timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j (McKinney 2022) because it arises out of conduct perpetrated against Plaintiff, who was the statutory age or older at the time of the conduct, which constitutes multiple sexual offenses as defined Article 130 of the New York Penal Law ("Article 130").

THIRD CAUSE OF ACTION**Negligent Infliction Of Emotional Distress**

37. Liza Gardner incorporates by reference all preceding paragraphs and re-alleges them as if set forth fully herein.

38. The Defendants' conduct created an unreasonable risk of causing emotional distress to Plaintiff, and the Defendants knew or should have known that such conduct was likely to result in emotional distress that might and/or likely would cause illness or bodily harm.

39. Plaintiff's emotional distress was foreseeable to the Defendants.

40. As a direct and proximate result of the negligent conduct of the Defendants, Plaintiff suffered and will continue to suffer severe emotional distress.

41. The Defendant's conduct was wanton, malicious, willful, and/or cruel, entitling the Plaintiff to punitive damages.

42. This cause of action is timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j (McKinney 2022) because it arises out of conduct perpetrated against Plaintiff, who was the statutory age or older at the time of the conduct, which constitutes multiple sexual offenses as defined Article 130 of the New York Penal Law ("Article 130").

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

- a. A declaratory judgment that the actions, conduct, and practices of Defendants complained of herein violate the laws of the State of New York;
- b. An award of damages against Defendant, in an amount to be determined at Trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including, but not limited to, loss of past and future income, wages, compensation, seniority, and other benefits of employment;
- c. An award of damages against Defendant, in an amount to be determined at Trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including, but not limited to, compensation for her mental anguish, humiliation, embarrassment, stress and anxiety, emotional pain and suffering, and emotional distress;
- d. An award of punitive damages, in an amount to be determined at Trial;
- e. Prejudgment interest on all amounts due;
- f. An award of costs that Plaintiff has incurred in this action, including, but not limited to, expert witness fees, as well as Plaintiff's reasonable attorneys' fees and costs to the fullest extent permitted by law; and,
- g. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: November 23, 2023

Brooklyn, New York

T. A. BLACKBURN LAW, PLLC.

By: *Tyrone A. Blackburn, Esq.*
Tyrone A. Blackburn, Esq.

Attorney for Plaintiff

1242 E. 80th Street, 3rd Floor

Brooklyn, New York 11236

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Attorney Verification

To the above-named Defendant (s):

TYRONE A. BLACKBURN, an attorney duly admitted to practice in the Courts of New York State and a member of the firm T. A. Blackburn Law, PLLC., attorneys for the plaintiffs in this action, affirms under penalty of perjury, That he has read the Complaint and knows the contents thereof and that the same is true to his knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, he believes it to be true. The sources of his information and knowledge are investigations and records in the file. This verification is made by affirmation and not by the plaintiffs because the Plaintiffs are not within the County where the attorney has his office.

Dated: November 23, 2023
Brooklyn, New York

T. A. BLACKBURN LAW, PLLC.
By: *Tyrone A. Blackburn, Esq.*
Tyrone A. Blackburn, Esq.
Attorney for Plaintiff
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Brooklyn, New York 11236
tblackburn@tablackburnlaw.com

PRESERVATION NOTICE

The term "you," "your," or "yours" as used herein shall refer to you (the recipient of this letter), as well as to the respondents and any individuals responsible for the custody and control of the below information, including, but not limited to, those individuals' administrative assistants, secretaries, agents, employees, information technology personnel and third-party vendors. From this point forward, you are directed to prevent "spoliation," defined as altering, changing, updating, destroying (even if periodically), editing, or deleting any information set forth hereafter.

If you cause any such alteration, destruction, or change, direct it, or allow it to occur, you may be charged with discovery rule violations for which sanctions may be imposed. Further, your failure to abide by this request could result in severe penalties against you and form the basis of legal claims for spoliation.

Electronically Stored Information:

In terms of electronically stored information, you are directed to prevent any destructive, alternative or other change to any web pages, virtual profiles or identical (including, but not limited to, Facebook, Instagram, Pinterest, Twitter, Tumblr, LinkedIn, Snapchat, Google Plus+, Flickr, Vine, About.me, ask.fm etc., or any other social media-based web profile or networking site account), emails, voice messages, text messages, instant messages or messaging systems, recordings, digital recordings, media images and videos, temporary memory, memory sticks, portable memory devices, laptops or computers, CDs, DVDs, USB devices, databases, computer activity logs, internet browsing history (including cookies), network access and server activity logs, word processing files and file fragments, backup and archival files, imaging and facsimile files, electronic calendar and scheduling program files and file fragments as well as any other contact and relationship management data (e.g., Outlook), electronic spreadsheet files and file fragments, pertaining in any way to this controversy of the parties or any potential witnesses. This includes a request that such information not be modified, altered, or deleted due to data compression or disk fragmentation (or other optimization procedures), which processes you are hereby directed to suspend until that data can be preserved, copied, and produced.

You are directed not to modify, alter, or delete or allow modifications, alterations, or deletions to be made to any electronically stored information. You are further directed to preserve all, and not to destroy any, passwords, decryption productions (including, if necessary, the software to decrypt the files), network access codes, manuals, tutorials, written instructions, decompression or reconstruction software, and any other information and things necessary to access, view and (if necessary) reconstruct the electronic data we will request through discovery.

Paper Information:

Regarding the paper information, you are directed to preserve any emails, videos, texts, memos, reports, documents, notes, correspondence, photographs, investigative information, or other documents about the controversy, parties, or witnesses. We expect to obtain several documents and other data from you through discovery, including text messages, emails, photographs, and other information stored on computers, electronic devices, and telephones.

Although we may bring a motion with a court for order-preserving documents and other data from destruction or alteration, your obligation to preserve documents and other data for discovery, in this case, arises independently from any order on such motion. Electronic documents and the

storage media, including but not limited to telephones on which they reside, contain relevant, discoverable information beyond what may be found in printed documents. Therefore, even where a paper copy exists, we will likely seek all documents in their original, electronic form, along with metadata or information about those documents on the media. We will seek paper printouts of only those documents that contain unique information created after they were printed (e.g., paper documents containing handwriting, signatures, marginalia, drawings, annotations, highlighting, and redactions) and any paper documents for which no corresponding electronic files exist.

The laws and rules prohibiting the destruction of evidence apply to electronically stored information in the same manner they apply to other evidence. Due to its format, electronic information is quickly deleted, modified, or corrupted. Accordingly, the demand is made that you take every reasonable step to preserve this information until the final resolution of this matter. This may include, but would not be limited to, an obligation to discontinue all data destruction and backup tape recycling policies.

Concerning electronic data created after this Complaint's delivery date, relevant evidence should not be destroyed. You must take the steps necessary to avoid the destruction of such evidence.

Dated: November 23, 2023
Brooklyn, New York

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tblackburn@tablackburnlaw.com

DEMAND FOR INSURANCE COVERAGE

Defendants are demanded to provide a complete copy of their applicable insurance policies and declaration sheets demonstrating coverage within thirty (30) days of service of this Complaint.

Dated: November 23, 2023
Brooklyn, New York

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By: *Tyrone A. Blackburn, Esq.*
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