

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY MARYLAND

MONIQUE WAYNE
c/o Watson & Moran, LLC
8401 Corporate Dr., Suite 110
Landover, MD 20785
Plaintiff

vs.

Case No. *CAL06-22006*

EARL SIMMONS
p/k/a DMX
c/o Loring Ward, Inc.
New York, NY 10017
Defendant

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COMPLAINT

COMES NOW, MONIQUE WAYNE, Plaintiff, by and through counsel,
E. Gregory Watson, Esq., Stephanie D. Moran, Esq. and the Law Offices of Watson &
Moran, LLC, sues EARL SIMMONS p/k/a DMX and states:

I. Parties

1. Plaintiff, is a resident of Prince George's County, Maryland.
2. Defendant, is a well known rap artist and has acted in several major motion pictures.
3. Plaintiff and Defendant are the parents of a two year old minor child, Javon Micai Wayne.

Clerk of the
Circuit Court
PRINCE GEORGE'S COUNTY
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.com

II. Venue

4. Plaintiff's residence is in Prince George's County, Maryland.
5. At all times relevant hereto, Defendant has regularly conducted business in Prince George's County, Maryland.
6. Defendant is a resident of Eric County, New York.
7. The tortuous and defamatory conduct was published in the State of Maryland.
8. The tortuous and defamatory conduct was published in Prince George's County.

III. Material Facts

9. The parties' minor child was conceived on or about August 3, 2003, after the parties had met the evening prior at a night club in Washington, DC.
10. On or about August 2, 2003, Plaintiff and Defendant left the club together and traveled to the Helix Hotel on Rhode Island Avenue in Washington DC, where they spent the night.
11. During their stay at the hotel, Plaintiff and Defendant engaged in consensual sexual relations which were initiated by Defendant.
12. The following morning, on August 3, 2003, Plaintiff left the hotel to attend a prior commitment and returned shortly thereafter at Defendant's request.
13. Plaintiff and Defendant spent the remainder of the day together at various locations in the District of Columbia, shopping, dining at the Florida Avenue Grill, relaxing and eating crabs at Haines Point and playing pool at a pool hall in Northwest.

14. At various times during the day, Plaintiff and Defendant were accompanied by others, including a friend of Plaintiff's.

15. Plaintiff and Defendant drove together throughout the day to these various locations.

16. Thereafter, Plaintiff informed Defendant that she was pregnant.

17. During the pendency of Plaintiff's pregnancy, Plaintiff and Defendant spoke on numerous occasions via telephone, wherein they discussed parenting issues and their respective child rearing beliefs.

18. Defendant requested that Plaintiff name the baby Earl Jr.

19. Further, while Plaintiff was pregnant, Defendant invited Plaintiff to travel with him to concerts at several locations, including Los Angeles, California and Amsterdam, which Plaintiff declined.

20. On other occasions, Defendant invited Plaintiff to various events that he was scheduled to attend during subsequent visits to the Washington, DC region. Plaintiff went to at least two of these venues.

21. After the minor child of the parties was born, Plaintiff filed a lawsuit to establish paternity and obtain child support¹. After paternity was established, child support was awarded to Plaintiff.

22. As recent as July 28, 2006, Plaintiff attended a nightclub performance of Defendant after she was invited by a member of Defendant's entourage. At the event, Plaintiff was invited to and did join Defendant and his entourage in the VIP lounge of the club.

¹ *Wayne v. Simmons*, In the Circuit Court of Maryland, Prince Georges, County, CAP04-14542.

23. Thereafter, in or about late summer of 2006, Defendant was interviewed by Jamie Foster Brown, the editor of "Sister 2 Sister" magazine for a cover story which ran in the October 2006 edition of the magazine which was distributed in September 2006. *See copy of article attached hereto and incorporated herein as Exhibit A.*

24. During his interview, Defendant accused Plaintiff of raping him. *See Exhibit A.*

25. Plaintiff and Defendant had sexual relations on only one occasion, on or about August 3, 2003. Said relations were initiated by Defendant and were consensual.

26. Defendant made various other false statements mischaracterizations about Plaintiff and his interactions with Plaintiff, including the statement that Plaintiff appeared deranged and was "crazy."

27. Further, Defendant alleged that on certain occasions in the past, Plaintiff had been stalking Defendant. Defendant was fully aware, that in fact, at least on one specific occasion, Plaintiff was attempting to serve Defendant with her Complaint To Establish Paternity, Custody, Child Support and Maintenance. When the Defendant saw Plaintiff they talked and looked at photographs of their minor child.

28. During this period of time, Defendant and Plaintiff had ongoing, mutually initiated, telephone communications.

29. Defendant's false statements were published in "Sister 2 Sister" and were subsequently disseminated around the internet and several other mainstream newspapers and tabloid publications published in the United States and abroad. The

dissemination included stories published or broadcast by such mass media outlets as The Washington Post, 93.9 WKYS, the Arkansas Democrat Gazette, The Ireland Evening Echo News, PR Inside and America On Line. Some of the publications identified Plaintiff by her full name.

30. Each of the above referenced statements made by Defendant were untrue and defamatory and were intended to injure Plaintiff and to impugn her to be mentally unstable, a sex criminal and to expose her to scorn, hatred, contempt and/ or to ridicule.

CLAIMS FOR RELIEF

Count I

(Defamation)

31. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this Complaint as if fully stated herein.

32. Defendant's statement were defamatory and were intended to injure the Plaintiff.

33. "Sister 2 Sister" magazine released the story and it was disseminated worldwide.

34. Defendant knowingly made the aforementioned false and defamatory statement about Plaintiff.

35. In the alternative, Defendant negligently made the aforementioned false and defamatory statement about Plaintiff.

36. Defendant made this false and defamatory statement to "Sister 2 Sister" magazine.

37. Defendant acted with the knowledge of the falsity of the statements and with the intent to harm Plaintiff when making the aforementioned statements.

38. As a result of the false and defamatory statements published by Defendant, the character and reputation of Plaintiff was harmed, her standing and reputation in the community was impaired, and she suffered mental anguish and personal humiliation.

39. As a direct and proximate result of the false and defamatory statements by Defendant, Plaintiff has suffered extreme and severe emotional distress, anxiety, humiliation, damage to her character, distress, mental shock, mental anguish and psychological trauma and was otherwise injured and will remain injured for a considerable length of time.

WHEREFORE, Plaintiff demands ONE MILLION DOLLARS (\$1,000,000) in compensatory damages and ONE MILLION DOLLARS (\$1,000,000) in punitive damages, plus attorneys' fees, interest and costs.

Count II

(False Light)

40. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this Complaint as if fully reiterated herein.

41. Defendant improperly publicized facts about the Plaintiff by being interviewed by "Sister 2 Sister" magazine's editor and making knowingly false and defamatory statements about Plaintiff. These statements placed Plaintiff in a false light by attributing to her conduct and characteristics, which were false.

42. Defendant knew that the facts publicized about the private life of Plaintiff were false, and/or caused such facts to be printed with a reckless disregard for the truth of those facts.

43. The publication of these facts were highly offensive to any reasonable person.

44. As a result of the false and defamatory statements published by Defendant, the character and reputation of Plaintiff was harmed, her standing and reputation in the community was impaired, and she suffered mental anguish and personal humiliation.

45. As a direct and proximate result of the false and defamatory statements by Defendant, Plaintiff has suffered extreme and severe emotional distress, anxiety, humiliation, damage to her character, distress, mental shock, mental anguish and psychological trauma and was otherwise injured and will remain injured for a considerable length of time.

WHEREFORE, Plaintiff demands ONE MILLION DOLLARS (\$1,000,000) in compensatory damages and ONE MILLION DOLLARS (\$1,000,000) in punitive damages, plus attorneys' fees, interest and costs.

Count III

(Unreasonable Publicity to Private Life)

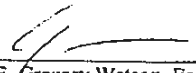
46. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this Complaint as if fully reiterated herein.

47. In or about late summer of 2006, Defendant gave an interview with Janie Foster Brown, the editor of "Sister 2 Sister" magazine. See *Exhibit A*.

Watson & Moran, LLC
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JURY DEMAND

Plaintiff demands trial by jury.


E. Gregory Watson, Esq.

