

Summons issued

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7 Attorneys for Plaintiff,

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ORANGE**

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
OCT 11 2005  
ALAN SLATER, Clerk of the Court  
J. Haines  
BY J. HAINES

11 an individual;

Case No.: 05CC00160

12 Plaintiff,

**FIRST AMENDED COMPLAINT**

13 vs.

1. Childhood Sexual Molestation;
2. Sexual Battery;
3. Battery;
4. Willful Misconduct;
5. Intentional Infliction of Emotional Distress;
6. Negligent Infliction of Emotional Distress;
7. Plagiarism;
8. Conversion;
9. Breach of Express Contract;
10. Breach of Implied Contract;
11. Breach of Confidence;
12. Accounting;
13. Assault;
14. False Imprisonment;
15. Fraud;
16. Negligence;
17. Civil Conspiracy;
18. Unfair Business Practices;
19. Violations of RICO;
20. Interference with Exercise of Civil Rights.

14 MICHAEL JOE JACKSON, an individual; MJJ  
15 PRODUCTIONS, INC., a California  
corporation; SONY MUSIC  
16 ENTERTAINMENT, INC., a Delaware  
corporation; SONY MUSIC HOLDING, INC., a  
17 Delaware corporation; SONY/ATV MUSIC  
18 PUBLISHING, INC., a Delaware corporation;  
SBC IP COMMUNICATIONS, INC., a  
19 Delaware Corporation; and DOES 1 through  
200, inclusive;

20 Defendants.

WILLIAM W. ROSS  
CLERK OF COURT

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Plaintiff, alleges as follows:

**GENERAL ALLEGATIONS**

1. Defendant, MICHAEL JOE JACKSON, an individual (hereinafter "MICHAEL JACKSON"), at all times relevant to the facts herein alleged, was a resident of the State of California.

2. Plaintiff is informed and believes, and thereon alleges, that defendant MJJ PRODUCTIONS, INC. (hereinafter "MJJ") is a California Corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

3. Plaintiff is informed and believes, and thereon alleges, that defendant SONY MUSIC ENTERTAINMENT, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

4. Plaintiff is informed and believes, and thereon alleges, that defendant SONY MUSIC HOLDING, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

5. Plaintiff is informed and believes, and thereon alleges, that defendant SONY/ATV MUSIC PUBLISHING, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California. (SONY MUSIC ENTERTAINMENT, INC., SONY MUSIC HOLDING, INC. and SONY/ATV MUSIC PUBLISHING, INC. will hereinafter be collectively referred to as "SONY.")

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1 6. Plaintiff is informed and believes, and thereon alleges, that defendant SBC IP  
2 COMMUNICATIONS, INC. (hereinafter "SBC"), is a Delaware corporation, and, at all  
3 times herein mentioned, was licensed to engage in business in the State of California and  
4 was transacting business in the State of California at locations including but not limited to  
5 county of Orange, state of California.

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7 7. Plaintiff is ignorant of the true names and capacities of the defendants sued  
8 herein as DOES 1 through 200, inclusive, and therefore sues these defendants by such  
9 fictitious names. Plaintiff will amend this complaint to allege their true names and  
10 capacities when ascertained. Plaintiff is informed and believes and thereon alleges that  
11 each of the fictitiously named defendants is responsible in some manner for the  
12 occurrences herein alleged, and that their conduct was a substantial factor in plaintiff's  
13 damages as herein alleged.

14 8. Plaintiff is informed and believes, and thereon alleges, that at all times herein  
15 mentioned, all defendants herein were the agents and employees of the remaining co-  
16 defendants and in doing the things herein alleged were acting within the scope of such  
17 agency and employment.

18 **FIRST CAUSE OF ACTION**  
19 **(Childhood Sexual Molestation - by Plaintiff**  
20 **against Defendants MICHAEL JACKSON, M.J.J, SONY**  
21 **and DOES 1-100, inclusive)**

22 9. Plaintiff hereby incorporates by reference Paragraphs 1 to 8, inclusive, as though  
23 fully set forth herein.

24 10. Plaintiff is a male who is currently 20 years old.

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1 11. From in or about 1987, when plaintiff was two years old, until on or about  
2 December 21, 1999, when plaintiff was fourteen years old, in the Counties of Los  
3 Angeles, Santa Barbara and Orange, at locations which were owned, leased or rented by  
4 defendants, and each of them, defendant MICHAEL JACKSON repeatedly and forcefully  
5 sexually molested plaintiff, and defendants MJJ, SONY and DOES 1-100, inclusive,  
6 knew, or should have known, that defendant MICHAEL JACKSON repeatedly and  
7 forcefully sexually molested plaintiff. The sexually molestation includes, but is not  
8 limited to, defendant MICHAEL JACKSON sticking his tongue down plaintiff's throat,  
9 masturbating plaintiff, and anally penetrating plaintiff by force.

10 12. Defendant MICHAEL JACKSON's above-described acts of sexual molestation  
11 constitute conduct proscribed by Penal Code sections 286(b)(1) and/or 286(b)(2) and/or  
12 286(c)(1) and/or 286(c)(2) and/or 286(c)(3) and/or 286(d) and/or 286(i) and/or 288(a)  
13 and/or 288(b)(1) and/or 288a(b)(1) and/or 288a(b)(2) and/or 288a(c)(1) and/or 288a(c)(2)  
14 and/or 288a(c)(3) and/or 289(a)(1) and/or 289(a)(2) and/or 289(i) and/or 647.6. Said  
15 conduct was also in violation of prior laws of the State of California of similar effect at  
16 the time the acts were committed.

17 13. As a proximate result of the conduct of defendants, and each of them, plaintiff  
18 sustained personal injuries and severe mental and emotional distress,  
19 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of  
20 which have caused, and continue to cause pain, discomfort, disability and suffering to  
21 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

22 14. As a further result of said wrongful acts of defendants, and each of them,  
23 plaintiff was required to, and did, expend money and incur obligations for medical,  
24 psychiatric, psychological, and other health care services, and will in the future be  
25 compelled to incur additional obligations for same, in an amount to be established  
26 according to proof at time of trial.

1 15. The aforementioned acts of defendants, and each of them, were willful, wanton,  
2 malicious and oppressive and justify the awarding of exemplary and punitive damages.

3 **SECOND CAUSE OF ACTION**  
4 **(Sexual Battery -- by Plaintiff**  
5 **against Defendants, MICHAEL JACKSON**  
6 **and DOES 1 through 100, inclusive)**

7 16. Plaintiff hereby incorporates by reference Paragraphs 1 to 15, inclusive, as  
8 though fully set forth herein.

9 17. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive,  
10 repeatedly committed sexual battery upon plaintiff by engaging in harmful sexual contact  
11 with plaintiff including but not limited to sticking his tongue down plaintiff's throat,  
12 masturbating plaintiff, and anally penetrating plaintiff by force.

13 18. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, in  
14 doing the acts alleged above, acted with the intent to cause harmful or offensive contact  
15 with intimate parts of plaintiff, and in fact did cause offensive contact with plaintiff, in  
16 violation of Civil Code section 1708.5 and Penal Code section 243.4.

17 19. As a proximate result of the conduct of defendants, and each of them, plaintiff  
18 sustained personal injuries and severe mental and emotional distress,  
19 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of  
20 which have caused, and continue to cause pain, discomfort, disability and suffering to  
21 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

22 20. As a further result of said wrongful acts of defendants, and each of them,  
23 plaintiff was required to, and did, expend money and incur obligations for medical,  
24 psychiatric, psychological, and other health care services, and will in the future be  
25 compelled to incur additional obligations for same, in an amount to be established  
26 according to proof at time of trial.

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1 21. The aforementioned acts of defendants were willful, wanton, malicious and  
2 oppressive and justify the awarding of exemplary and punitive damages.

3 **THIRD CAUSE OF ACTION**  
4 **(Battery - against Defendants, MICHAEL JACKSON**  
5 **and DOES 1 through 200, inclusive)**

6 22. Plaintiff hereby incorporates by reference Paragraphs 1 to 21, inclusive, as  
7 though fully set forth herein.

8 23. From in or about or about 1988, until December 21, 1999, defendants,  
9 MICHAEL JACKSON and DOES 1 through 200, inclusive, repeatedly committed  
10 battery upon plaintiff in the Counties of Orange, Los Angeles and Santa Barbara.

11 24. Defendants, MICHAEL JACKSON and DOES 1 through 200, inclusive,  
12 repeatedly committed battery upon plaintiff by engaging in harmful contact with plaintiff  
13 including but not limited to giving plaintiff drugs and alcohol, subjecting plaintiff to  
14 unnecessary cosmetic surgery procedures, striking plaintiff, burning plaintiff, torturing  
15 plaintiff, and beating plaintiff, on occasions including but not limited to or about  
16 December 21, 1999 at \_\_\_\_\_ county of Orange,  
17 state of California.

18 25. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, in  
19 doing the acts alleged above, acted with the intent to cause harmful or offensive contact  
20 with plaintiff, and in fact did cause offensive contact with plaintiff, in violation of Civil  
21 Code section 1708.5 and Penal Code section 243.4.

22 26. As a proximate result of the conduct of defendants, and each of them, plaintiff  
23 sustained personal injuries and severe mental and emotional distress,  
24 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of  
25 which have caused, and continue to cause pain, discomfort, disability and suffering to  
26 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

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1 27. As a further result of said wrongful acts of defendants, and each of them,  
2 plaintiff was required to, and did, expend money and incur obligations for medical,  
3 psychiatric, psychological, and other health care services, and will in the future be  
4 compelled to incur additional obligations for same, in an amount to be established  
5 according to proof at time of trial.

6 28. The aforementioned acts of defendants were willful, wanton, malicious and  
7 oppressive and justify the awarding of exemplary and punitive damages.

8 **FOURTH CAUSE OF ACTION**  
9 **(Willful Misconduct— by Plaintiff**  
10 **against Defendants, MICHAEL JACKSON**  
11 **and DOES 1 through 200, inclusive)**

12 29. Plaintiff hereby incorporates by reference Paragraphs 1 to 28, inclusive, as  
13 though fully set forth herein.

14 30. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive,  
15 intentionally and willfully violated the Penal Code of the State of California by their  
16 actions and contact with plaintiff. The Penal Code Violations include, but are not limited  
17 to, the following:

18 a. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive,  
19 violated Penal Code sections 286(b)(1) and/or 286(b)(2) and/or 286(c)(1) and/or  
20 286(c)(2) and/or 286(c)(3) and/or 286(d) and/or 286(i) and/or 288(a) and/or 288(b)(1)  
21 and/or 288a(b)(1) and/or 288a(b)(2) and/or 288a(c)(1) and/or 288a(c)(2) and/or  
22 288a(c)(3) and/or 289(a)(1) and/or 289(a)(2) and/or 289(i) and/or 647.6 by sexually  
23 molesting plaintiff from approximately 1987 to 1999.

24 b. Defendants, MICHAEL JACKSON and DOES 1 through 200, inclusive,  
25 violated Civil Code section 1708.5 and Penal Code section 243.4 by committing sexual  
26 battery upon plaintiff from approximately 1987 to 1999.

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1 c. Defendants, MICHAEL JACKSON and DOES 101 through 200, inclusive,  
2 violated Penal Code section 242 by committing battery upon plaintiff on multiple  
3 occasions, including but not limited to on or about December 21, 1999, at 200 Center  
4 Street Promenade, city of Anaheim, county of Orange, state of California.

5 **FIFTH CAUSE OF ACTION**  
6 **(Intentional Infliction of Emotional Distress -**  
7 **by Plaintiff against Defendants, MICHAEL JACKSON**  
8 **MJJ, SONY and DOES 1 through 100, inclusive)**

9 31. Plaintiff hereby incorporates by reference Paragraphs 1 to 30 inclusive, as  
10 though fully set forth herein.

11 32. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, with  
12 full knowledge of the substantial likelihood of causing plaintiff to experience severe  
13 emotional distress, intentionally and maliciously, for the purpose of causing plaintiff to  
14 suffer humiliation, mental anguish, and severe mental and emotional distress, and without  
15 regard for the right of safety of plaintiff, physically, mentally and  
16 emotionally abused plaintiff, including but not limited to sexually molesting plaintiff,  
17 during the period between approximately 1987 and 1999.

18 33. The conduct of defendant, MICHAEL JACKSON and DOES 1 through 100,  
19 inclusive, was intentional and malicious and done for the purpose of causing plaintiff to  
20 suffer humiliation, mental anguish, and emotional and physical distress. The conduct of  
21 defendants MJJ, SONY, and DOES 101 through 200, inclusive, in confirming and  
22 ratifying that conduct was done with knowledge that plaintiff's emotional and physical  
23 distress would thereby increase and was done with a wanton and reckless disregard of the  
24 consequences to plaintiff.

25 34. As a proximate result of the aforementioned acts, plaintiff suffered humiliation,  
26 mental anguish and emotional and physical distress and has been injured in mind and  
27 body all to plaintiff's damage in a sum to be established according to proof at time of  
28 trial.

1 35. As a further and proximate result of the aforementioned acts, plaintiff was  
2 required to, and did, employ physicians and surgeons to examine, treat and care for him  
3 and incurred additional medical expenses for hospital bills and other incident medical  
4 expenses in an amount which has not yet been ascertained. Plaintiff is informed and  
5 believes, and thereon alleges that he will incur additional medical expenses, the exact  
6 amount of which is unknown.

7 36. By reason of the aforementioned acts, plaintiff suffered a loss of earnings and  
8 loss of earning capacity. Plaintiff is informed and believes, and thereon alleges, that he  
9 will suffer a loss of earnings and loss of earning capacity for a period in the future which  
10 he cannot ascertain.

11 37. The aforementioned acts of defendants were willful, wanton, malicious and  
12 oppressive and justify the awarding of exemplary and punitive damages.

13 **SIXTH CAUSE OF ACTION**  
14 **(Negligent Infliction of Emotional Distress**  
15 **- by Plaintiff against Defendants MICHAEL JACKSON, SBC**  
16 **and DOES 1 through 200, inclusive)**

17 38. Plaintiff hereby incorporates by reference Paragraphs 1 to 37, inclusive, as  
18 though fully set forth herein.

19 39. On or about December 21, 1999, plaintiff observed in close proximity his mother  
20 being battered by defendants, MICHAEL JACKSON and DOES 1 through 100,  
21 inclusive, at \_\_\_\_\_ county of Orange, state of  
22 California, which was owned, managed and maintained by defendants, SBC and DOES  
23 101 through 200, inclusive. Defendants, SBC and DOES 101 through 200, inclusive,  
24 owed a duty of due care to plaintiff to prevent and avoid foreseeable physical and mental  
25 injury to plaintiff, including injury through foreseeable criminal acts of third parties, as  
26 plaintiff was a business invitee lawfully on the premises, and a minor whose mother  
27 worked for defendant, SBC, at the time of the incident.

1 40. At all times herein mentioned, Plaintiff was in close proximity to his mother and  
2 contemporaneously observed her battery and serious injury at the hands of defendants,  
3 MICHAEL JACKSON and DOES 1 through 100, inclusive.

4 41. Because of the negligence of the defendants, and each of them, and as a  
5 proximate result thereof, Plaintiff sustained severe emotional distress and mental  
6 suffering, all of which has caused, continues to cause, and will cause him great physical  
7 and mental pain and suffering, all to his damage in a sum to be established according to  
8 proof at time of trial.

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10 **SEVENTH CAUSE OF ACTION**  
11 **(Plagiarism – by Plaintiff**  
12 **against Defendants MICHAEL JACKSON, MJJ, SONY**  
13 **and DOES 1 through 100, inclusive)**

14 42. Plaintiff hereby incorporates by reference Paragraphs 1 to 41, inclusive, as  
15 though fully set forth herein.

16 43. During the time in which defendant, MICHAEL JACKSON, was recording the  
17 phonorecords “Bad,” “Dangerous,” “HIStory: Past, Present and Future Book I,”  
18 (hereinafter “HIStory”) and “Blood on the Dance Floor: HIStory in the Mix” (hereinafter  
19 “Blood on the Dance Floor”) he misappropriated song ideas, lyrics, and melodies created  
20 by plaintiff, which were the product of plaintiff’s own creativity and  
21 therefore original and novel, and copied and/or incorporated song ideas, lyrics and  
22 melodies into songs on said phonorecords without crediting or compensating plaintiff.

23 44. In or about 1987, 1991, 1995 and 1997, defendants, and each of them,  
24 wrongfully, unlawfully and without plaintiff’s consent, copied and used songs authored  
25 by the plaintiff and/or using proprietary material belonging to the plaintiff and released  
26 them on phonorecords and other media including but not limited to the following:

- 27 a. “Bad,” released in 1987;
- 28 b. “Dangerous,” released in 1991;

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c. "HIStory," released in 1995;

d. "Blood on the Dance Floor," released in 1997.

45. At all times herein mentioned, defendants knew, or should have known, that plaintiff was either the sole and exclusive author, owner and proprietor of the above described songs and/or proprietary material or co-author, and that plaintiff had and has retained rights therein and thereto.

46. In or about 1987, 1991, 1995 and 1997, defendants released the above-referenced phonorecords for sale to the public and caused the same to be distributed in this County and throughout California, the United States and diverse parts of the world.

47. A copy of these phonorecords is not attached hereto pursuant to section 429.30 of the Code of Civil Procedure, as it is not practicable due to the nature of the productions.

**EIGHTH CAUSE OF ACTION**  
**(Conversion – by Plaintiff**  
**against Defendants MICHAEL JACKSON, M.J.J, SONY**  
**and DOES I through 100, inclusive)**

48. Plaintiff hereby incorporates by reference Paragraphs 1 to 47, inclusive, as though fully set forth herein.

49. At all times herein mentioned, plaintiff was, and still is, the owner, entitled to possession of the above-referenced songs, lyrics, melodies, ideas and other proprietary material.

50. On or about 1987, 1991, 1995 and 1997, the above-mentioned property had a value to be established according to proof at time of trial.

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1 51. On or about 1987, 1991, 1995 and 1997, defendants, and each of them, took the  
2 above-mentioned property from plaintiff's possession and converted the same to their  
3 own use. Defendants failed and refused, and continue to fail and refuse, to recognize  
4 plaintiff's proprietary right in his songs, lyrics, melodies, ideas and other proprietary  
5 material.

6 52. As a proximate result of defendant's conversion, plaintiff was deprived of  
7 monetary compensation for the use of his literary property, all to plaintiff's damage in a  
8 sum to be established according to proof at time of trial.

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10 **NINTH CAUSE OF ACTION**  
11 **Breach of Express Contract - by Plaintiff**  
12 **against Defendants MICHAEL JACKSON, MJJ, SONY**  
13 **and DOES 1 through 100, inclusive)**

14 53. Plaintiff hereby incorporates by reference Paragraphs 1 to 52, inclusive, as  
15 though fully set forth herein.

16 54. In or about 1987, defendants, MICHAEL JACKSON, MJJ, SONY and DOES 1  
17 through 100, inclusive, expressly agreed to pay plaintiff if defendants made use of any of  
18 plaintiff's songs, lyrics, melodies, ideas and other proprietary material

19 55. Defendants, and each of them, have now made use of plaintiff's songs, lyrics,  
20 melodies, ideas and other proprietary material.

21 56. Defendants have failed and refused, and continue to fail and refuse, to credit or  
22 compensate plaintiff for said proprietary material.

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**TENTH CAUSE OF ACTION**  
**(Breach of Implied Contract – by Plaintiff**  
**against Defendants MICHAEL JACKSON, MJJ, SONY**  
**and DOES 1 through 100, inclusive)**

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57. Plaintiff hereby incorporates by reference Paragraphs 1 to 56, inclusive, as though fully set forth herein.

58. From prior to 1987 to approximately 1997, plaintiff submitted to defendants MICHAEL JACKSON, MJJ, SONY, and DOES 1 through 100, inclusive, ideas for songs, lyrics, melodies and other proprietary material. These ideas were submitted by plaintiff to defendants with the expectation, fully and clearly understood by defendants, that plaintiff would be compensated for their use if and when defendants decided to use them.

59. The reasonable value of such ideas will be established according to proof at time of trial. By reason of the use of plaintiff's ideas, defendants became obligated to pay plaintiff this sum.

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**ELEVENTH CAUSE OF ACTION**  
**(Breach of Confidence – by Plaintiff**  
**against Defendants MICHAEL JACKSON, MJJ, SONY**  
**and DOES 1 through 100, inclusive)**

60. Plaintiff hereby incorporates by reference Paragraphs 1 to 59, inclusive, as though fully set forth herein.

61. From prior to 1987 until approximately 1997, at the request of defendants, MICHAEL JACKSON, MJJ, SONY, and DOES 1 through 100, inclusive, plaintiff submitted in confidence to defendants his songs, lyrics, melodies, ideas and other proprietary material.

62. Defendants accepted the submission of the ideas in complete confidence and with the understanding that the ideas would not be used without the consent of plaintiff.

1 **TWELFTH CAUSE OF ACTION**  
2 **(Accounting – by Plaintiff**  
3 **against all Defendants)**

4 63. Plaintiff hereby incorporates by reference Paragraphs 1 to 62, inclusive, as  
5 though fully set forth herein.

6 64. The exact amounts of money received by defendants and the exact costs of  
7 production are unknown to plaintiff and can be determined only by an accounting.

8 65. Defendants have failed and refused, and continue to fail and refuse, to render  
9 an accounting of the amounts received as a result of the production of the phonorecords  
10 “Bad,” “Dangerous,” “HIStory” and “Blood on the Dance Floor,” and of the costs of  
11 production of said phonorecords. Plaintiff is therefore entitled to an order for an  
12 accounting.

13 **THIRTEENTH CAUSE OF ACTION**  
14 **(Assault – by Plaintiff**  
15 **against Defendants, MICHAEL JACKSON**  
16 **and DOES 1 through 100, inclusive)**

17 66. Plaintiff hereby incorporates by reference Paragraphs 1 to 65, inclusive, as  
18 though fully set forth herein.

19 67. The despicable and outrageous conduct, of MICHAEL JACKSON and DOES 1  
20 through 100, inclusive, as described herein, caused plaintiff to be constantly apprehensive  
21 that Defendants would intentionally invade his person and violate his right to be free  
22 from offensive and harmful contact.

23 68. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive  
24 demonstrated that at all times material herein they had the present ability to subject  
25 plaintiff to an intentional offensive and harmful touching.

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1 69. As a direct and proximate result of defendants' despicable and outrageous  
2 conduct as described herein, plaintiff has suffered and will continue to suffer physical  
3 injuries, pain and suffering, and extreme and severe mental anguish and emotional  
4 distress; he has incurred and will continue to incur medical expenses for treatment by  
5 psychotherapists and other health professionals and for other incidental expenses; and he  
6 has suffered and will continue to suffer a loss of earnings and earning capacity, with  
7 consequent economic damages. Plaintiff is thereby entitled to general and compensatory  
8 damages in amounts to be proven at trial.

9 70. Defendants' conduct was fraudulent, malicious and oppressive, and done with a  
10 conscious disregard for plaintiff's rights. As a consequence, plaintiff is entitled to  
11 exemplary damages from defendants.

12 **FOURTEENTH CAUSE OF ACTION**  
13 **(False Imprisonment - by Plaintiff**  
14 **against Defendants, MICHAEL JACKSON**  
15 **and DOFS 1 through 100, inclusive)**

16 71. Plaintiff hereby incorporates by reference Paragraphs 1 to 70, inclusive, as  
17 though fully set forth herein.

18 72. For multiple periods from 1987 to December 21, 1991, plaintiff was frequently  
19 confined by defendants, MICHAEL JACKSON and DOFS 1 through 100, inclusive, to  
20 locations including, but not limited to.

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22 Plaintiff is informed and believes, and thereon alleges, that defendant, MICHAEL  
23 JACKSON, would instruct his staff not to allow plaintiff to leave the premises. In  
24 addition, on occasions including but not limited to December 21, 1999, plaintiff was  
25 confined in a vehicle against his will by MICHAEL JACKSON and DOFS 1 through  
26 100, inclusive.

1 73. The acts of defendants, MICHAEL JACKSON and DOES 1 through 100,  
2 inclusive, as herein alleged, were willful, wanton, malicious and oppressive, and justify  
3 the awarding of punitive damages in an amount to be proven at trial.

4 **FIFTEENTH CAUSE OF ACTION**  
5 **(Fraud – by Plaintiff**  
6 **against all Defendants)**

7 74. Plaintiff hereby incorporates by reference Paragraphs 1 to 73, inclusive, as  
8 though fully set forth herein.

9 75. In the course of their relationship from 1987 to December 21, 1999, defendant,  
10 MICHAEL JACKSON made multiple misrepresentations to plaintiff, including but not  
11 limited to, that plaintiff would be compensated for his songs, lyrics, melodies, ideas and  
12 other proprietary material.

13 76. Each of these representations was false and known to be false by defendant,  
14 MICHAEL JACKSON, and was made with the intent to deceive plaintiff.

15 77. Plaintiff believed the representations to be true and acting in reliance upon these  
16 representations, allowed defendant MICHAEL JACKSON to commit the acts alleged  
17 hereinabove.

18 **SIXTEENTH CAUSE OF ACTION**  
19 **(Negligence – by Plaintiff**  
20 **against all Defendants)**

21 78. Plaintiff hereby incorporates by reference Paragraphs 1 to 77, inclusive, as  
22 though fully set forth herein.

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1 79. Defendants, and each of them, owed a duty to use ordinary care in their  
2 relationships with plaintiff in order to avoid foreseeable harm to plaintiff. Further,  
3 defendants were at all times obligated to comply with all provisions of the Penal Code of  
4 the State of California and other jurisdictions and to specifically comply with the Penal  
5 Code sections alleged above. Furthermore, defendants had an obligation to report all  
6 such Penal Code violations and to take any necessary steps to prevent Penal Code  
7 violations by other defendants to whom there existed a special relationship.

8 80. Defendants, and each of them, failed to exercise due care to avoid foreseeable  
9 harm to plaintiff, thus leading plaintiff to suffer physical, mental and emotional injuries.

10 81. As a foreseeable and proximate result of said negligence, plaintiff suffered  
11 humiliation, mental anguish and emotional and physical distress and has been injured in  
12 mind and body, all to plaintiff's damage in a sum to be established according to proof at  
13 time of trial.

14 82. As a further foreseeable and proximate result of said negligence, plaintiff was  
15 required to, and did, employ physicians and surgeons to examine, treat and care for him  
16 and incurred additional medical expenses for hospital bills and other incident medical  
17 expenses in an amount which has not yet been ascertained. Plaintiff is informed and  
18 believes, and thereon alleges that he will incur additional medical expenses, the exact  
19 amount of which is unknown.

20 83. As a further foreseeable and proximate result of said negligence, plaintiff  
21 suffered a loss of earnings and loss of earning capacity. Plaintiff is informed and  
22 believes, and thereon alleges, that he will suffer a loss of earnings and loss of earning  
23 capacity for a period in the future which he cannot ascertain.

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1 **SEVENTEENTH CAUSE OF ACTION**  
2 **(Civil Conspiracy – by Plaintiff**  
3 **against all Defendants)**

4 84. Plaintiff hereby incorporates by reference Paragraphs 1 to 81, inclusive, as  
5 though fully set forth herein.

6 85. Starting in or about 1987, defendants, and each of them, knowingly and  
7 willfully conspired and agreed among themselves with to aid and abet defendant,  
8 MICHAEL JACKSON, in his false imprisonment and molestation of plaintiff, to take  
9 plaintiff's ideas without compensation, and to keep secret the above-described events  
10 through fraudulent behavior, threats of force and force.

11 86. Defendants, and each of them, did the acts and things herein alleged pursuant  
12 to, and in furtherance of, the conspiracy and above-alleged agreement.

13 87. Plaintiff is informed and believes and thereon alleges that the last overt act in  
14 furtherance of the above-described conspiracy occurred on or about December 21, 1999,  
15 when defendants, MICHAEL JACKSON and DOES 1 through 100 battered plaintiff at a  
16 location owned, managed and maintained by defendants, SBC and DOES 101 through  
17 200, inclusive.

18 88. In doing the things herein alleged, defendants acted willfully and with the  
19 intent to cause injury to the plaintiff. Defendants were therefore guilty of malice,  
20 oppression and fraud in conscious disregard of plaintiff's rights, thereby warranting an  
21 assessment of punitive damages in an amount appropriate to punish defendants and deter  
22 others from engaging in similar misconduct.

23 **EIGHTEENTH CAUSE OF ACTION**  
24 **(Unfair Business Practices – by Plaintiff**  
25 **against Defendants MICHAEL JACKSON, M.J.I, SONY**  
26 **and DOES 1 through 100, inclusive)**

27 89. Plaintiff hereby incorporates by reference Paragraphs 1 to 88, inclusive, as  
28 though fully set forth herein.

1 90. The acts of defendants, MICHAEL JACKSON, MJJ, SONY and DOES I  
2 through 100, inclusive, as described above in paragraphs 42 through 62, inclusive,  
3 constituted unfair trade practices in violation of Business and Professions Code section  
4 17200.

5 91. As a proximate result of the wrongful acts herein alleged, plaintiff has been  
6 economically damaged.

7 92. Plaintiff has no adequate remedy at law for the injuries currently being suffered.  
8 Defendants' wrongful conduct, unless and until enjoined and restrained by order of this  
9 court, will cause great and irreparable injury to plaintiff,

10 93. Plaintiff has incurred attorney's fees in a sum to be established according to  
11 proof at time of trial.

12 **NINETEENTH CAUSE OF ACTION**  
13 **(Violation of RICO - by Plaintiff**  
14 **against all Defendants)**

15 94. Plaintiff hereby incorporates by reference Paragraphs 1 to 93, inclusive, as  
16 though fully set forth herein.

17 95. Defendants' conduct as described above constituted a conduct of an enterprise  
18 through a pattern of racketeering activity in violation of 18 U.S.C.S. § 1962.

19 96. Plaintiff has been injured in his business or property by reason of defendants'  
20 violation of 18 U.S.C.S. § 1962 in an amount to be established according to proof at time  
21 of trial.

22 97. Plaintiff has incurred attorney's fees in a sum to be established according to  
23 proof at time of trial.

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1 **TWENTIETH CAUSE OF ACTION**  
2 **(Interference with Exercise of Civil Rights**  
3 **- by Plaintiff against Defendants MICHAEL JACKSON, SBC**  
4 **and DOES 1 through 200, inclusive)**

5 98. Plaintiff hereby incorporates by reference Paragraphs 1 to 97, inclusive, as  
6 though fully set forth herein.

7 99. Under California Civil Code section 51, all persons within this jurisdiction are  
8 free and equal and entitled to full and equal accommodations, advantages, facilities,  
9 privileges and services.

10 100. While committing the acts hereinbefore described, defendants, MICHAEL  
11 JACKSON, SBC and DOES 1 through 200, inclusive, on many occasions including but  
12 not limited to on or about December 21, 1999, at  
13 county of Orange, state of California, used anti-Semitic epithets, insults and terms of  
14 abuse to plaintiff, who is Jewish, indicating that defendants' course of conduct towards  
15 plaintiff was motivated by racial and/or religious hatred. Said course of conduct was thus  
16 in violation of California Civil Code section 52.1 and actionable pursuant to California  
17 Civil Code section 52.1(b).

18 101. As a result of the unlawful violations of plaintiff's right to live in an  
19 environment free of ethnic or religious discrimination as described above, plaintiff has  
20 suffered both general and special damages in amounts to be established according to  
21 proof at time of trial.

22 102. As a proximate result of the wrongful acts of defendants, plaintiff is, in  
23 addition, entitled to recover a statutory civil penalty of \$ 25,000.00, as provided in Civil  
24 Code section 52 (b).

25 103. The above-described actions of defendants were done with malice, fraud, or  
26 oppression, and in reckless disregard of the plaintiff's rights. Thus plaintiff is entitled to  
27 punitive damages.

1 104. Plaintiff has no adequate remedy at law for the injuries currently being  
2 suffered. Defendants' wrongful conduct, unless and until enjoined and restrained by  
3 order of this court, will cause great and irreparable injury to plaintiff.

4 105. Plaintiff has incurred attorney's fees in a sum to be established according to  
5 proof at time of trial.

6  
7 WHEREFORE, Plaintiff prays judgment as follows:

8 **As to the First, Second, Third, Fourth, Fifth, Sixth, Thirteenth, Fourteenth,**  
9 **Fifteenth, Sixteenth, Seventeenth and Twentieth Causes of Action only:**

- 10 1. For general damages according to proof;  
11 2. For medical and related expenses according to proof;

12 **As to the First, Second, Third, Fourth, Fifth, Seventh, Thirteenth, Fourteenth,**  
13 **Fifteenth, Seventeenth, Nineteenth and Twentieth Causes of Action only:**

14 3. For punitive damages in a sum sufficient to deter these and other  
15 defendants similarly situated from acts such as those complained of;

16 **As to the Seventh, Eighteenth, Nineteenth and Twentieth Causes of Action only:**

- 17 4. For injunctive relief;

18 **As to the Eighth Cause of Action only:**

- 19 5. For the value of the property converted;

20 **As to the Ninth, Tenth, Eighteenth, Nineteenth, and Twentieth Causes of Action**  
21 **only:**

- 22 6. For reasonable attorney's fee;

23 **As to the Ninth and Tenth Causes of Action only:**

24 7. For all damages flowing from the contractual breach, including but not  
25 limited to, consequential damages.

26 ///

1 **As to the Twelfth Cause of Action only:**

2 8. For an accounting between plaintiff and defendants;

3 **As to the Nineteenth Cause of Action only:**

4 9. For treble damages;

5 **As to all Causes of Action:**

6 10. For compensatory damages according to proof;

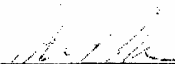
7 11. For interest on all economic damages in the legal amount to the date of  
8 judgment;

9 12. For costs of suit herein incurred; and

10 13. For such other and further relief as the court may deem just and proper

11  
12 **DATE:** October 7, 2005

**LAW OFFICE OF MICHAEL G. MATTERN**

13  
14  
15 By:   
16 Michael G. Mattern, Esq.  
17 Attorney for Plaintiff.