



CASE NO: A-23-876749-C
Department 29

COMP

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DISTRICT COURT
CLARK COUNTY, NEVADA

A.R. an individual,

Plaintiff,

vs.

NICKOLAS CARTER, an individual,

Defendant.

Case No.:
Dept No.:

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COMPLAINT

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COMPLAINT, DEMAND FOR JURY TRIAL

1 Plaintiff, A.R., by and through her attorneys of record, John Kawai of **Trial Lawyers for**
2 **Justice** and Margaret Mabie of **Marsh Law Firm** sues Defendant NICKOLAS CARTER
3 (hereinafter ‘CARTER’) and complains and alleges as follows:
4

5 **STATEMENT OF JURISDICTION AND VENUE**
6

7 1. The Eighth Judicial District Court has jurisdiction over this action pursuant to NRCP
8 8(a)(4), NRS 13.040, and NRS 41.130 as the occurrence giving rise to this case involves parties
9 who reside in Clark County, Nevada, and the amount in controversy exceeds \$15,000.00.
10

11 2. Plaintiff brings this action under Nevada Revised Statute 11.215 (N.R.S. 11.215).
12 Effective June 2, 2021, N.R.S. 11.215 eliminated the time limit and revived claims for a victim
13 of childhood sexual abuse to commence an action against her alleged perpetrator for damages
14 arising from childhood sexual abuse.
15

16 **GENERAL ALLEGATIONS**
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18 3. Defendant NICKOLAS CARTER (“CARTER”), was at relevant times an individual
19 residing in Marathon, Florida.
20

21 4. CARTER is, and at relevant times was, an individual residing in Las Vegas, Nevada.
22

23 5. Plaintiff A.R. is and at all relevant times was a resident of York County,
24 Pennsylvania.
25

26 6. On or about August 29, 2003, CARTER’s friends and family, including Plaintiff A.
27 R., gathered on CARTER’s yacht in Marathon, Florida.
28

1 7. CARTER led A. R. to the cabin of the yacht when she was a minor of just 15 years
2 old.

3
4 8. CARTER was aware that A.R. was a minor and provided A.R. with alcohol such that
5 she was intoxicated at the time.

6
7 9. A.R. had not yet experienced sexual intercourse or other sexual activity before
8 meeting CARTER.

9
10 10. CARTER kissed Plaintiff A.R. and directed A.R. to a bedroom in the cabin of his
11 yacht where he engaged in oral sexual intercourse with A.R. and penetrated her vagina with his
12 genitals.

13
14 11. CARTER knowingly engaged in these and other sexual acts with the then-minor A.R.
15 without her consent.

16
17 12. CARTER failed to use protection to prevent the spread of sexually transmitted
18 infections to A.R.

19
20 13. CARTER instructed A.R. to keep his sexual abuse of her a secret.

21
22 14. A few days later, on or about September 1, 2003, Carter and his sister Angel Carter
23 encouraged A.R. to meet CARTER in the lounge area of the bus on their Florida property and
24 A.R. complied.

25
26 15. CARTER then coerced A.R. to orally copulate his genitals.

1 16. On another occasion, on or about October 27, 2003, CARTER hosted a get together on
2 two of his boats with his sister Angel Carter and at least three adult men.

3
4 17. CARTER knowingly provided alcohol and drugs to then-minor A.R. on this occasion
5 and caused her to become intoxicated on his yacht.

6
7 18. Later that evening, CARTER continued to provide alcohol to then-minor A.R. on one
8 of his yachts in the presence of at least three men.

9
10 19. Upon information and belief, CARTER promoted and enticed three other men,
11 Stephen Canizio, David Lezcano, and Andrew Koussevitsky, to watch him engaging in sexual
12 intercourse with then-minor A.R. from a vantage point of an outside window in the cabin of
13 CARTER's yacht.

14
15 20. Upon information and belief, Defendant CARTER instructed these same three male
16 friends to observe his assault of A.R. through a window hatch on the boat.

17
18 21. CARTER then took A.R. to the bedroom in the cabin of his yacht and penetrated her
19 vagina with his penis while she was an intoxicated minor.

20
21 22. CARTER continued to engage in sexual intercourse with A.R. despite her repeated
22 refusals and requests for him to stop.

23
24 23. CARTER attempted to perform anal sex on A.R. despite her repeated refusals and
25 requests for him to stop.

1 24. Shortly after CARTER's assault, Plaintiff A.R. was approached by Defendant's
2 friends, Stephen Canizio, David Lezcano, and Andrew Koussevitsky, who were in attendance on
3 the yacht. The three men berated A.R., and told A.R. that they watched the encounter through a
4 hatch on the yacht with direct vision of the cabin.
5

6 25. As a result of CARTER vaginally penetrating Plaintiff, CARTER infected Plaintiff
7 with the human papillomavirus (commonly known as HPV), a sexually transmitted infection
8 known to cause health problems such as genital warts and cervical cancer.
9

10 26. Shortly after this incident on CARTER's yacht, A.R. disclosed CARTER's sexual
11 assault of her to her mother.
12

13 27. On or about December of 2003, A.R.'s mother reported the sexual assault to Southern
14 York County law enforcement in Pennsylvania.
15

16 28. The impacts of CARTER's sexual abuse are ceaseless, causing Plaintiff severe
17 emotional distress, physical anguish, intimacy issues, and other complex trauma.
18

19 29. Plaintiff has experienced ongoing harassment from fans of CARTER's well known
20 boy band, *the Backstreet Boys*, for decades.
21

22 **FIRST CAUSE OF ACTION**

23 **(Sexual Battery)**

24 30. Plaintiff re-alleges and incorporates by reference every allegation contained in this
25 Complaint as though set forth herein in full.
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1 31. CARTER's conduct was sexually offensive, constituting childhood sexual abuse under
2 Nevada Revised Statutes 432B.100.

3
4 32. CARTER subjected Plaintiff to sexual penetration against the will of Plaintiff and/or
5 under conditions CARTER knew or should have known that Plaintiff was mentally or physically
6 incapable of resisting or understanding the nature of CARTER's conduct.

7
8 33. As a direct, proximate, and legal result of the CARTER's conduct, Plaintiff suffered
9 injuries and damages including, but not limited to, severe emotional distress, psychological
10 trauma, and anxiety.

11
12 34. As a direct, proximate and legal result of CARTER's conduct Plaintiff has incurred
13 medical expenses and may in the future, be required to obtain medical treatment.

14
15 35. As a direct, proximate, and legal result of CARTER's conduct, Plaintiff has been
16 damaged in excess of \$15,000.00.

17
18 36. At all times herein mentioned the conduct of CARTER was intended to cause injury to
19 Plaintiff and/or constituted despicable conduct carried on by CARTER with a willful and
20 conscious disregard of the rights or safety of Plaintiff and others. He intentionally raped Plaintiff
21 while she was a minor, despite her desperate pleas that he stopped, threatened her welfare should
22 she inform anyone about his crime against her, and inflicted her with a disease. By reason
23 thereof, CARTER is charged with malice, fraud and/or oppression, for which Plaintiff seeks
24 punitive and exemplary damages. Inherent in Plaintiff's right to redress by exemplary damages
25 are the following purposes: that CARTER be deterred from continuing his utter conscious and
26
27

1 callous disregard of injurious consequences to the rights and safety of the public at large; that in
2 order for the purposes of the right to redress to be fulfilled by exemplary damages, the punitive
3 and exemplary damages should be in proportion to the assets and income of said defendant; that
4 Plaintiff therefore requests punitive damages in an amount to be ascertained.
5

6 37. As a further direct, proximate and legal cause of CARTER's conduct, Plaintiff has
7 been required to retain the service of **TRIAL LAWYERS FOR JUSTICE and MARSH LAW**
8 **FIRM PLLC** to prosecute this action and they are entitled to recovery of reasonable attorneys'
9 fees and costs incurred herein.
10

11
12 **SECOND CAUSE OF ACTION**
13 **(Intentional Infliction of Emotional Distress)**

14 38. Plaintiff re-alleges and incorporates by reference every allegation contained in this
15 Complaint as though set forth herein in full.
16

17 39. CARTER's sexual abuse of Plaintiff when she was 15 years old was outrageous and
18 extreme and was intended to cause great emotional distress to Plaintiff and was committed with
19 reckless disregard of the probability that Plaintiff would suffer emotional distress.
20

21 40. CARTER knew Plaintiff was vulnerable and in a position of weakness and intended to
22 sexually batter her with complete disregard of the physical and emotional trauma caused to
23 Plaintiff.
24

25 41. Plaintiff suffered severe emotional trauma and distress, that was caused by
26 CARTER'S sexual battery to her body.
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1 42. As a direct, proximate, and legal result of the intentional infliction of emotional
2 distress by CARTER, Plaintiff was caused great emotional distress and pain and suffering.

3
4 43. As a direct, proximate, and legal result of the intentional infliction of emotional
5 distress by CARTER, Plaintiff has incurred medical expenses, and may in the future be required
6 to obtain medical treatment.

7
8 44. As a direct, proximate, and legal result of the intentional infliction of emotional
9 distress by CARTER, Plaintiff has been damaged in an amount in excess of \$15,000.00.

10
11 45. As a further direct, proximate, legal result of Defendant's conduct, Plaintiff has been
12 required to retain the service of **TRIAL LAWYERS FOR JUSTICE** and **MARSH LAW**
13 **FIRM PLLC** to prosecute this action and they are entitled to recovery of reasonable attorneys'
14 fees and costs incurred herein.

15
16 **THIRD CAUSE OF ACTION**
17 **(Negligent Infliction of Emotional Distress)**

18 46. Plaintiff re-alleges and incorporates by reference every allegation contained in this
19 Complaint as though set forth herein in full.

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21 47. Plaintiff's suffering of emotional distress from CARTER's sexual abuse of her when
22 she was 15 years old was a foreseeable risk CARTER should have considered before engaging in
23 the above-described wrongful acts towards Plaintiff.

24
25 48. Notwithstanding this knowledge, or the fact that CARTER should have known that
26 such a result would probably occur, CARTER continued in his course of wrongful acts and
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1 conduct as described herein. Plaintiff suffered severe emotional trauma and distress, that was
2 caused by CARTER's sexual battery to her body.

3
4 49. As a direct, proximate, and legal result of the negligence of CARTER, Plaintiff has
5 suffered great physical and mental pain and anxiety and will continue to do so in the future.

6
7 50. As a direct, proximate, and legal result of the negligence of CARTER, Plaintiff has
8 incurred medical expenses and may in the future be required to obtain medical treatment.

9
10 51. As a direct, proximate, and legal result of the negligence of CARTER, Plaintiff has
11 been damaged in an amount in excess of \$15,000.00.

12
13 52. As a further direct, proximate, and legal result of CARTER's conduct, Plaintiff has
14 been required to retain the service of **TRIAL LAWYERS FOR JUSTICE** and **MARSH LAW**
15 **FIRM PLLC** to prosecute this action and they are entitled to recovery of reasonable attorneys'
16 fees and costs incurred herein.

17
18 WHEREFORE, Plaintiff A.R. prays for relief against CARTER as follows:

- 19
20 1. For damages in excess of \$15,000.00 for past and future medical expenses, and for past
21 and future pain and suffering;
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23 2. For pre – and post-judgement interest as permitted by law;
24
25 3. For punitive damages in an amount in excess of \$15,000.00;
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27 4. For reasonable attorney's fees and costs of suit; and
28

1 5. For such other and further relief as the Court may deem fit and proper.

2
3 **DEMAND FOR JURY TRIAL**

4 A trial by jury is hereby demanded by Plaintiff.

5
6 Dated this 28th day of August, 2023

7 Respectfully submitted,
8 TRIAL LAWYERS FOR JUSTICE

9 /s/ John A. Kawai
10 JOHN A. KAWAI, ESQ.
11 Nevada Bar No. 14893

12 And

13 MARSH LAW FIRM PLLC

14 /s/ Margaret E. Mabie
15 MARGARET E. MABIE, ESQ.,
16 *Pro Hac Vice Forthcoming*

17 *Attorneys for Plaintiff*
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