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County of Los Angeles
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By M. Elder, Deputy Clerk**

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9 Attorneys for Plaintiff **MELISSA SCHUMAN**

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 MELISSA SCHUMAN, an individual,

14 Plaintiff,

15 vs.

16 NICKOLAS GENE CARTER; RETRAC INC.
D.B.A. KAOTIC PRODUCTIONS, and DOES
17 1 through DOE 50, inclusive,

18 Defendant

Case No.: 23SMCV01577

**FIRST AMENDED COMPLAINT FOR
DAMAGES FOR:**

- 1) **SEXUAL BATTERY
(CIVIL CODE §1708.5);**
- 2) **SEXUAL ASSAULT;**
- 3) **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;**
- 4) **NEGLIGENCE**

DEMAND FOR JURY TRIAL

19
20
21 Plaintiff Melissa Schuman brings this action against Defendant Nickolas (Nick) Gene
22 Carter, and DOES 1 through 50, inclusive (collectively, “Defendants”), and based on information
23 and belief alleges as follows:

24 **INTRODUCTION**

25 Plaintiff Melissa Schuman is a survivor of sexual abuse, sexual battery, assault, molestation
26 at the hands of Defendant Nick Carter. Defendant Carter used his role, status, and power as a well-
27 known singer to gain access to, groom, manipulate, exploit, and sexually assault Plaintiff Schuman
28 in the State of California. As a result of Defendant Carter’s sexual abuse and assault, Plaintiff

1 Schuman has suffered severe emotional, physical and psychological distress, including humiliation,
2 shame, and guilt, economic loss, economic capacity and emotional loss. Plaintiff brings this action
3 to hold Defendant Carter accountable for the serious harm caused to her.

4 **JURISDICTION AND VENUE**

5 1. This Court has jurisdiction over the subject matter of this action pursuant to Article
6 VI, section 10 of the California Constitution and section 410.10 of the California Code of Civil
7 Procedure.

8 2. Venue is proper in this Court under Code of Civil Procedure section 395 because a
9 substantial part of the conduct and omissions giving rise to the violations of law alleged herein
10 occurred in Los Angeles County.

11 **PARTIES**

12 3. Plaintiff is an adult female residing in Nevada. Plaintiff was sexually abused at age
13 18. Plaintiff brings this Complaint pursuant to California *Code of Civil Procedure* Section 340.16,
14 as amended by Assembly Bill 2777, for the sexual assault she suffered at the hands of Defendants.
15 Thus, Plaintiff's claims for damages suffered as a result of sexual assault are timely filed as they
16 are filed within one year of January 1, 2023.

17 4. The sexual abuse, harassment and/or assault occurred in Santa Monica, California.

18 5. Defendant Nick Carter, the perpetrator, at all times mentioned herein was and is an
19 adult male individual. In 2003, Defendant Nick Carter had been a member of the *Backstreet Boys*
20 for a decade and he and the singing group had become renowned and well-known. By 2003,
21 Defendant Nick Carter had acquired wealth, stature, and power as a result of his career and status
22 as an international multi-platinum recording pop star in a boy band.

23 6. On information and belief, Defendant Retrac, Inc. was incorporated in 1998 in North
24 Palm Beach, Florida. In 1999, a filing with the Florida Department of State named Defendant Nick
25 Carter as president and an officer of Retrac, Inc. On September 13, 2006, Defendant Nick Carter
26 and Retrac, Inc. filed with the Secretary of State of California a statement and designation by
27 foreign corporation in California under the name Kaotic Productions. By doing so, Retrac, Inc. was
28 subsequently legally allowed to transact intrastate business in California as Kaotic Productions.

1 Kaotic Productions' principal place of business is in Woodland Hills, California. Defendant Nick
2 Carter is the president of Retrac, Inc. d.b.a. Kaotic Productions and on information and belief, a
3 unity of interest and ratification exists between Retrac, Inc. d.b.a. Kaotic Productions and
4 Defendant Nick Carter such that a conspiracy to aid in the acts subject of this Complaint existed.

5 7. On information and belief, Plaintiff alleges that the true names and capacities,
6 whether individual, corporate, associate or otherwise, of Defendants named herein as Does 1
7 through 50, inclusive, are unknown to the Plaintiff, who therefore sues said Defendants by such
8 fictitious names. Plaintiff will amend the Complaint to allege their true names and capacities when
9 such have been ascertained. Upon information and belief, Defendant and each of the said Doe
10 Defendants is responsible in some manner under *Code of Civil Procedure* §§340.16 (e) for the
11 occurrences herein alleged and were a legal cause of the sexual assault and/or harassment which
12 resulted in injury to the Plaintiff as alleged herein.

13 8. At all times mentioned herein, there existed a unity of interest and ownership among
14 Defendants and each of them, such that any individuality and separateness between Defendants,
15 and each of them, ceased to exist. Defendants and each of them, were the successors-in-interest
16 and/or alter egos of the other Defendants, and each of them, in that they purchased, controlled,
17 dominated and operated each other without any separate identity, observation of formalities, or
18 other manner of division. To continue maintaining the facade of a separate and individual existence
19 between and among Defendants, and each of them, would allow Defendants to perpetrate a fraud
20 and an injustice.

21 9. At all times mentioned herein, Defendants and each of them were the agents,
22 representatives and/or employees of each and every other Defendant. In doing the things hereinafter
23 alleged, Defendants and each of them, were acting within the course and scope of said alternative
24 personality, capacity, identity, agency, representation and/or employment and were within the
25 scope of their authority, whether actual or apparent. Plaintiff is informed and believes, and on that
26 basis alleges, that at all times mentioned herein, Defendants and each of them were the trustees,
27 partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every
28 other Defendant, and the acts and omissions, including a cover up or attempted cover up of one or

1 more previous instances or allegations of sexual assault or other inappropriate conduct,
2 communication or activity of a sexual nature by an alleged perpetrator of such abuse, herein alleged
3 were done by them, acting individually, through such capacity and within the scope of their
4 authority, and with the permission and consent of each and every other Defendant and that said
5 conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly
6 and severally liable to Plaintiff.

7 **GENERAL FACTUAL ALLEGATIONS**

8 ***I. Defendant Nick Carter Uses His Authority and Influence to Contact Plaintiff When She*** 9 ***Was a Minor***

10 10. Plaintiff Melissa Schuman wanted to be a singer since she was three years old and
11 she started singing in talent shows in the first grade. At age 9, she competed in Young American
12 Stars and one of the judges became her agent. Plaintiff was raised in a conservative home and was
13 not particularly interested in mainstream music or bands, she wanted to be a singer in theater
14 productions.

15 11. In middle school, Plaintiff's vocal coach recommended she audition for a spot in an
16 all-girl singing group. Out of the hundreds of girls who tried out, only five were chosen, one of
17 whom was Plaintiff; she was age 14. The producer shopped the girl band to numerous labels. After
18 auditioning for pioneering record producer Sean "Puffy" Combs, *DREAM* was signed to his major
19 label, Bad Boy Records.

20 12. Plaintiff spent her high school years on the road performing throughout the United
21 States and overseas with the multi-platinum girl group *DREAM*. The production company
22 associated with *DREAM* had control of the girls' everyday lives. They had a tutor who traveled
23 with them, and they rarely had more than a few days off at a time. *DREAM* became a staple of
24 MTV's juggernaut Total Request Live (TRL) and were often referred to as "P. Diddy's Dream
25 Team".

26 13. In February 2001, when Plaintiff was age 16, *DREAM* filmed a video for their song
27 "This is Me (Remix)" featuring P. Diddy & Kain. While on set, Plaintiff's managers told her that
28 Defendant Nick Carter, who was age 21, thought she was "cute" and that he "wanted to talk to her".

1 Plaintiff's management team and Defendant Carter's team arranged for Defendant Carter to call
2 Plaintiff to speak to him on the phone during the video shoot. Plaintiff was not interested in
3 Defendant Carter romantically and told her management team that she had a boyfriend. Although
4 Plaintiff was a minor at the time, Plaintiff's management made it clear that they were in favor of
5 Plaintiff "dating" Defendant Carter.

6 ***II. Defendant Nick Carter Sexually Assaults Plaintiff Schuman At His Apartment In Santa***
7 ***Monica, California***

8 14. In the Spring of 2002, Plaintiff decided to leave *DREAM* and pursue her acting
9 career and she was cast in multiple TV movies, and landed her first role in a major film called *Love*
10 *Don't Cost a Thing*.

11 15. In early 2003, Plaintiff was cast in the teen horror film *The Hollow*. Thereafter,
12 Defendant Carter was added to the cast of the film.

13 16. Soon after filming began, while Plaintiff was eating lunch on set with other cast and
14 crew members, Defendant Carter, who was with a male friend, invited Plaintiff to come over to his
15 apartment to hang out and play video games. Given that they each had prior work experience
16 performing in successful MTV-era pop bands, and were becoming acquaintances on set, Plaintiff
17 agreed to meet up.

18 17. Plaintiff and her roommate, who was also her childhood friend, drove to Defendant's
19 apartment in Santa Monica. Upon arrival, Defendant Carter and his male friend were about to go
20 to the liquor store and invited the teenage women to come along.

21 18. Upon returning, Defendant Carter began making drinks and asked Plaintiff what she
22 wanted. Plaintiff told Defendant Carter that she didn't have a lot of experience with drinking, and
23 that she didn't know what she wanted. Defendant Carter started making drinks for everyone, and
24 he suggested Plaintiff have a drink with cranberry juice. Defendant Carter made Plaintiff a drink
25 that included at minimum a clear alcohol and cranberry juice. At this time, upon information and
26 belief, Defendant Carter put some form of flunitrazepam or a similar drug in Plaintiff's drink.

27 19. The group started to walk into the living room but then Defendant Carter asked
28 Plaintiff if she'd like to hear some of the new music he was working on. Defendant Carter took

1 Plaintiff's hand and lead her down the hallway, past the bedroom and into his office, and sat on the
2 only chair in the room. Defendant Carter turned off the light and told Plaintiff to sit on his lap, but
3 she chose to sit on the edge of his knee. Defendant began playing music from his computer and
4 pulled Plaintiff back into him and began kissing her.

5 20. At 18 years old, Plaintiff felt self-conscious, intimidated and sexually
6 inexperienced; she had only ever kissed one other boy. Defendant Carter knew that she was a virgin
7 and that she held to religious, conservative Christian values. Defendant Carter took Plaintiff into
8 the bathroom and shut the door.

9 21. Defendant picked her up and put her on the bathroom counter. He started to unbutton
10 Plaintiff's clothes. Plaintiff told him she did not want to go any further. Defendant Carter
11 responded, "Don't worry, I won't tell anybody." Plaintiff continued to object. Defendant Carter
12 ignored her, and continued to assault Plaintiff, performing oral copulation upon her, against her
13 will. Plaintiff was in shock, extreme duress and started to feel as she was spinning. Plaintiff turned
14 off the light, but Defendant Carter kept turning it back on, saying that he wanted to look at her.

15 22. Defendant's male friend knocked on the bathroom door and Defendant panicked
16 and quickly got Plaintiff dressed and took her out into the hallway. Plaintiff noticed that music was
17 now playing extremely loud and coming from the living room. The hallway and the bedrooms
18 were dark, with the lights turned off. Defendant Carter took Plaintiff into the other bathroom that
19 was adjacent to the bedroom and shut the door. Defendant Carter took off his pants, sat on the
20 bathroom counter and told Plaintiff to perform oral copulation on him. Plaintiff refused, which
21 made Defendant Carter very angry, and he demanded that she do it to him since he did it to her.
22 Defendant Carter forced Plaintiff to masturbate him. Plaintiff felt trapped and feared that Defendant
23 Carter would harm her physically if she didn't comply. Plaintiff's friend knocked on the bathroom
24 door, Defendant Carter threatened Plaintiff to keep quiet by making a gesture, shushing her. Plaintiff
25 was too terrified to say anything. Defendant Carter exerted his control over Plaintiff, despite
26 knowing she did not consent, for his own sexual gratification.

27 23. Against her will, Defendant Carter took Plaintiff to the bedroom, pushed her onto a
28 twin bed and climbed on top of her. Again and again, Plaintiff said NO! She told him over and

1 over that she was a virgin, that she was saving herself for her future husband, and that she did not
2 want to have sex. Defendant Carter continued to force himself on her, whispering in her ear that
3 he could be her husband. Plaintiff could not get away from him, he was too heavy. Defendant
4 Carter forced vaginal penetration of Plaintiff. Plaintiff went limp and disassociated. After he
5 finished, Defendant got up off the bed, at which time, Plaintiff turned her body to the side and
6 curled into a fetal position. Plaintiff noticed Defendant Carter's friend was laying on the floor of
7 the bedroom. Despite having a small amount of alcohol, she passed out. When the sun started
8 coming up, Plaintiff's friend woke her up and they left. Defendant Carter was not there.

9 24. Plaintiff told her roommate and then her roommate's mother about what Defendant
10 Carter did to her. Over the next few days, Plaintiff told her talent manager, her mother, her father,
11 her therapist, a former co-star, and others about Defendant Carter's sexual assaults. Within weeks,
12 Plaintiff started to medicate herself repeatedly with alcohol, an issue which lasted for several
13 months until getting sober.

14 25. Defendant Carter satisfied his prurient desires, which includes the sexual assault of
15 a virgin. As a result of Defendant Carter vaginally penetrating Plaintiff, Defendant Carter infected
16 Plaintiff with the human papillomavirus (commonly known as HPV), a sexually transmitted
17 infection for which there is currently no cure. HPV is known to cause health problems such as
18 genital warts and cervical cancer. On information and belief, Defendant Carter has engaged in a
19 similar pattern of sexual abuse with other young women and minors.

20 ***III. Defendant Nick Carter Continues to Harass and Manipulate Plaintiff***

21 26. Soon after assaulting Plaintiff, Defendant Carter began to manipulate and torment
22 her. Defendant Carter texted her, "Why did you make me do that." Plaintiff's manager highly
23 discouraged Plaintiff from going to the police to file a police report, telling her that Defendant
24 Carter has one of the most powerful litigators in the country, and that her coming forward could
25 ruin her career. Although Plaintiff still had to film scenes with Defendant, Plaintiff's manager said
26 he would work with *The Hollow* production team to make sure she would otherwise not have to be
27 near Defendant Carter on set.

28

1 27. After the filming was finished, for weeks, Defendant Carter contacted Plaintiff by
2 phone repeatedly, demanding to speak with her. Plaintiff did not take his calls, but he would not
3 let up. On one occasion, Plaintiff finally took his call. He sounded nonchalant, until she asked him
4 about the night she was at his apartment. Defendant Carter denied having sex, exploded in anger
5 and called her a “manipulative bitch”, and yelled at her. In effort to stop the harassment, Plaintiff
6 changed her telephone number.

7 28. Plaintiff continued to pursue her acting and singing career. In late 2004 Plaintiff’s
8 agent encouraged Plaintiff to sign with a well-known and powerful manager in the music industry
9 to handle the musical side of her career. Plaintiff was aware that this manager had once worked
10 with the Backstreet Boys, but she did not know at the time that he was a close personal friend of
11 Defendant Carter.

12 29. Plaintiff signed on as a client with the music manager and began recording music
13 and taking label meetings. Soon after, her manager told her that Defendant Carter reached out and
14 specifically wanted her to record a duet with Defendant Carter, which was being pitched for a movie
15 soundtrack. Reluctant to speak negatively of Defendant in front of her new manager, Plaintiff asked
16 if she would have to record alongside Defendant Carter, and was told no, that he had already pre-
17 recorded his part of the duet. After holding up her end of this agreement, the recording was never
18 sold, and in less than a few months of working with this music manager, he abruptly stopped taking
19 her calls and stopped working with her as a client.

20 30. When Plaintiff went public with her assaults by Defendant Carter, he used this song
21 “collaboration” as “evidence” that he “was always respectful and supportive of Melissa both
22 personally and professionally.” Defendant Carter used this recording to generate the false
23 impression that he and Plaintiff had a friendly relationship.

24 ***IV. Defendant Carter’s History and Pattern of Sexual Assault; Notice and Cover Up by***
25 ***Defendant Retrac, Inc. d.b.a. Kaotic Productions***

26 31. On information and belief, in or about February 2001, Defendant Nick Carter
27 sexually abused another victim, Doe 1, in Washington. Similar to Plaintiff, Defendant Nick Carter
28

1 provided Doe 1 with alcohol prior to the sexual assault and infected Doe 1 with the human
2 papillomavirus.

3 32. Defendants Retrac, Inc. d.b.a. Kaotic Productions are legally responsible for
4 damages arising out of Defendant Nick Carter's misconduct. At the time of the sexual assault of
5 Doe 1 in 2001 and of Plaintiff in 2003, Defendant Nick Carter was the President of Retrac, Inc.

6 33. Given the position of Defendant Nick Carter in his company Retrac, Inc. d.b.a.
7 Kaotic Productions necessarily had knowledge of Defendant Nick Carter's sexual assaults.

8 34. Defendants Nick Carter and Defendants Retrac, Inc. d.b.a. Kaotic Productions, their
9 officers, directors, representatives, employees or agents, engaged in a cover up or attempted cover
10 up of a previous instance of at least one sexual assault that occurred in 2001, before Defendant
11 Carter sexually assaulted Plaintiff in 2003.

12 35. On information and belief, Defendants have engaged and continue to engage in a
13 "cover up" by making a concerted effort to hide evidence relating to previous incidences or
14 allegations of sexual assault or other inappropriate conduct, communication, or activity sexual in
15 nature from becoming public or being disclosed to Plaintiff.

16 36. Defendant Retrac, Inc. d.b.a. Kaotic Productions are vicariously liable for Defendant
17 Nick Carter's harmful conduct on account of Defendant Carter's role as president and an agent of
18 the corporations.

19 ***V. 2017 - Me, too: The Victim Shaming of Another Carter Survivor Compels Plaintiff to***
20 ***Speak Publicly, For Which She Is Harassed and Attacked by Agents and Fans of***
21 ***Defendant Carter***

22 37. Plaintiff chose to speak out publicly about Defendant Carter's sexual assault of her,
23 except for her family, friends, and co-workers with whom she talked about it over the years. Then
24 in October 2017, Plaintiff was shocked to read an exclusive article posted on Radaronline.com
25 which published a police report revealing that Defendant Carter was investigated for the sexual
26 assault of a 20-year-old female in 2006.

27 38. Infuriated and triggered by learning of another victim of Defendant with a similar
28 story, and at a time when the #MeToo social justice movement was dominating the headlines,

1 Plaintiff felt at that moment a responsibility to speak out publicly. On November 2, 2017, Plaintiff
2 made the courageous decision to post a blog on her own website a letter titled “Don’t worry, I won’t
3 tell anybody.” This blog post shared personal details of Plaintiff’s sexual assaults by Defendant
4 Carter.

5 39. On November 21, 2017, multiple television and online media outlets reported on
6 Plaintiff’s blog post. Immediately thereafter, a highly strategized cyber-stalking and harassment
7 campaign against Plaintiff unfolded through a web of individuals associated with Defendant Carter.

8 40. Wonderful Union (acquired by the entertainment agency Endeavor in 2018 and now
9 called Please & Thank You) is the fan engagement company hired by Defendant Carter and his
10 band. Wonderful Union was founded by Eddie Meehan, a personal friend of Defendant Carter. On
11 information and belief, Defendant Carter utilized his Wonderful Union’s fan engagement team to
12 encourage Defendant Carter’s dedicated fan base to engage in internet intimidation in effort to
13 intimidate, blame, harass and discredit Plaintiff online.

14 41. The online intimidation by Defendant Carter’s friends, associates and/or agents is
15 an organized attempt to intimidate, blame, harass and discredit Plaintiff and her allegations of
16 sexual assault in the court of public opinion. The online intimidation stemming from Defendant
17 Carter’s sexual assault of Plaintiff has caused her further harm and is disruptive and destructive to
18 Plaintiff’s personal life, professional career and family. This online intimidation by Defendant
19 Carter’s friends, associates and/or agents is ongoing and continues to this day.

20 42. On January 1, 2023, the statute of limitations window for sexual assault claims made
21 by adult survivors opened¹, which allows Plaintiff for the first time in over a decade to seek
22 adjudication of her claims for sexual assault against Defendant in a court of law. On information
23 and belief, in anticipation of this lawsuit and with the intent to intimidate and blame Plaintiff for
24 publicly exposing his sexual assault of her, Defendant Carter sued Plaintiff. Two months after being
25 sued for sexual assault by another survivor, Defendant Carter filed a lawsuit against Plaintiff in
26 response to the other survivor’s lawsuit, alleging a conspiracy theory that Plaintiff, her father, the
27

28 ¹ See California Code of Civil Procedure Section 340.16, as amended by Assembly Bill 2777.

1 other survivor and Defendant Carter's deceased brother have conspired against him to extort money
2 and gain fame.

3 **FIRST CAUSE OF ACTION**

4 **SEXUAL BATTERY (CIVIL CODE §1708.5)**

5 **(Against Defendant Nick Carter and DOES 1 through 50)**

6 43. Plaintiff re-alleges and incorporates by reference herein each and every allegation
7 contained herein above as though fully set forth and brought in this cause of action.

8 44. In 2003, Defendant Carter intentionally, recklessly and wantonly did acts which
9 were intended to, and did result in harmful and offensive contact with intimate parts of Plaintiff's
10 person. Plaintiff was subjected to sexual assault by Defendant Carter.

11 45. Defendant Carter did the aforementioned acts with the intent to cause a harmful or
12 offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense
13 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate part
14 of Plaintiff's person that would offend a reasonable sense of personal dignity.

15 46. Because of Defendant Carter's position of authority over Plaintiff, and Plaintiff's
16 mental and emotional state, Plaintiff was unable to, and did not, give meaningful consent to such
17 acts.

18 47. As a direct, legal, and proximate result of the acts of Defendant Carter, Plaintiff
19 sustained serious and permanent injuries to her person, all of which are damages in an amount to
20 be shown according to proof and within the jurisdiction of the Court.

21 48. In subjecting the Plaintiff to the wrongful treatment herein described, Defendant
22 Carter, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard
23 of Plaintiff's rights, so as to constitute malice and oppression under California Civil Code §3294.
24 Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be determined
25 by the court, against Defendant Carter, in a sum to be shown according to proof.

26 **SECOND CAUSE OF ACTION**

27 **SEXUAL ASSAULT**

28 **(Against Defendant Nick Carter and DOES 1 through 50)**

1 49. Plaintiff re-alleges and incorporates by reference herein each and every allegation
2 contained herein as though fully set forth and brought in this cause of action.

3 50. Defendant Carter, in doing the things herein alleged, including intending to subject
4 Plaintiff to numerous instances of sexual abuse and molestation, intended to cause harmful or
5 offensive contact with Plaintiff's person, or intended to put Plaintiff in imminent apprehension of
6 such contact.

7 51. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a
8 harmful or offensive contact by Defendant Carter, and actually believed Defendant Carter had the
9 ability to make harmful or offensive contact with Plaintiff's person.

10 52. Plaintiff did not consent to Defendant Carter's intended harmful or offensive contact
11 with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of such contact.
12 Additionally, because of Defendant Carter's position of authority over Plaintiff, and Plaintiff's
13 mental and emotional state, Plaintiff was unable to, and did not, give meaningful consent to such
14 acts.

15 53. In doing the things herein alleged, Defendant Carter violated Plaintiff's right,
16 pursuant to Civil Code §43, of protection from bodily restraint or harm, and from personal insult.
17 In doing the things herein alleged, Defendant Carter violated his duty, pursuant to Civil Code
18 §1708, to abstain from injuring the person of Plaintiff or infringing upon Plaintiff's rights.

19 54. As a result of the above-described conduct, Plaintiff has suffered and continues to
20 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
21 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment
22 of life; has suffered and will continue to suffer and was prevented and will continue to be prevented
23 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of
24 earnings and earning capacity, and/or has incurred and will continue to incur expenses for medical
25 and psychological treatment, therapy, and counseling.

26 55. Plaintiff is informed and based thereon alleges that the conduct of Defendant Carter
27 was oppressive, malicious and despicable in that it was intentional and done in conscious disregard
28 for the rights and safety of others, and were carried out with a conscious disregard of Plaintiff's

1 right to be free from such tortious behavior, such as to constitute oppression, fraud or malice
2 pursuant to California Civil Code §3294, entitling Plaintiff to punitive damages against Defendant
3 Carter in an amount appropriate to punish and set an example of Defendant Carter.

4 **THIRD CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(Against all Defendants)**

7 56. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
8 paragraphs of this Complaint as if fully set forth herein.

9 57. Defendant Carter intended his behavior and knew or should have known that
10 emotional distress would likely result. Defendant Retrac, Inc. d.b.a. Kaotic Productions knew or
11 should have known distress would likely result from Defendant Carter's behavior.

12 58. Defendants' conduct as alleged throughout this complaint was outrageous.

13 59. Defendants' conduct exceeded all bounds of decency and is odious and utterly
14 intolerable in a civilized society.

15 60. Defendant Carter's conduct, including sexual assault and internet intimidation,
16 caused emotional distress in Plaintiff and this emotional distress was and continues to be severe.

17 61. As a direct and proximate result of the sexual assault, internet intimidation,
18 harassment and abuse committed against the Plaintiff by Defendant Carter, and Defendants cover
19 up of previous instances or allegations of sexual assault or other inappropriate conduct,
20 communication, or activity of a sexual nature by Defendant Carter of such abuse, Plaintiff has
21 suffered personal physical injury of sexual assault, and has and will continue to suffer,
22 psychological, mental and emotional distress, including but not limited to depression, anxiety,
23 anger/agitation, loss of appetite, trouble concentrating, feeling degraded, loss of enjoyment of life,
24 guilt, shame, humiliation, embarrassment, fear, fatigue, helplessness, loneliness, nightmares,
25 PTSD, impairment of relationships, loss of self-esteem, sleeplessness, stomach problems, stress,
26 difficulty with trust, and all associated economic injury.

27 62. As a result of the above-described conduct, Plaintiff has suffered and continues to
28 suffer emotional distress, physical manifestations of emotional distress, was prevented and will

1 continue to be prevented from performing daily activities and obtaining the full enjoyment of life,
2 and/or has incurred and and/or will continue to incur expenses for medical and psychological
3 treatment, therapy, and counseling.

4 63. These damages were all suffered as general, special and consequential damages of
5 Plaintiff, in an amount to be proven at trial, but in no event less than the minimum jurisdictional
6 amount of this Court.

7 **FOURTH CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(Against all Defendants)**

10 64. Plaintiff incorporates the allegations contained in the preceding paragraphs as
11 though fully set forth herein.

12 65. Defendants owed Plaintiff a duty of care generally and additionally because of the
13 employment dynamic and power status of Defendant Carter. Defendants and their agents had a duty
14 to not subject Plaintiff to discrimination, harassment, sexual assault, sexual battery, and retaliation.

15 66. Defendants breached their duties to Plaintiff by subjecting Plaintiff to the sexual
16 assault and cover up alleged herein. Defendants' further failures include, but are not limited to,
17 failing to properly supervise Defendant Carter, failing to properly supervise, warn and protect
18 Plaintiff, and failing to implement any procedures or complaint processes for employees to report
19 or seek refuge from sexual harassment. Defendants further breached their duty to Plaintiff by
20 covering up and empowering Defendant Carter during his pattern of prior and ongoing sexual
21 assaults of Plaintiff and others.

22 67. Defendants breached their duty owed to Plaintiff which directly caused Plaintiff's
23 injuries.

24 68. As a direct result of Defendants' negligent conduct, Plaintiff has suffered severe
25 emotional, physical, and psychological distress including but not limited to anxiety, depression,
26 nightmares, humiliation, fear and career intimidation.

27 **PRAYER FOR RELIEF**

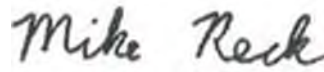
28 WHEREFORE, Plaintiff requests that the Court enter a judgment against Defendants

1 awarding the following relief:

- 2 1) Past, present and future general damages in an amount to be determined at trial;
- 3 2) Past, present and future special damages, including but not limited to past, present and
4 future lost earnings, economic damages and others, in an amount to be determined at
5 trial;
- 6 3) Any appropriate statutory damages, including but not limited to attorneys' fees;
- 7 4) Costs of suit;
- 8 5) Pre- and post- judgment interest as allowed by law;
- 9 6) Attorneys' fees pursuant to the Code of Civil Procedure Section 1021.5, or otherwise as
10 permitted by law;
- 11 7) Exemplary and punitive damages in an amount to be determined at trial; and
- 12 8) Such other and further relief as the court may deem proper.

13
14 **JEFF ANDERSON & ASSOCIATES PA**

15
16 DATED: October 16, 2023



MICHAEL RECK, ESQ.
Attorneys for Plaintiff

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19 **KBM LAW CORP.**

20 DATED: October 16, 2023




KAREN BARTH MENZIES, ESQ.
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded by Plaintiff.

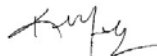
JEFF ANDERSON & ASSOCIATES PA



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