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FILED
LOS ANGELES SUPERIOR COURT

SEP 24 2009

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

BC 422403

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JAYDE NICOLE, an individual

Plaintiff,

vs.

JOSEPH R. FRANCIS, an individual; and
DOES 1-10, inclusive,

Defendants.

CASE NO.

FOR DAMAGES FOR

- (1) ASSAULT;**
- (2) BATTERY;**
- (3) NEGLIGENCE;**
- (4) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;**
- (5) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.**

DEMAND FOR JURY TRIAL

Plaintiff JAYDE NICOLE complains and alleges as follows:

1. Plaintiff JAYDE NICOLE, herein after referred to as "NICOLE", is, and at all times herein mentioned was, an individual and a resident of the State of California.
2. Plaintiff is informed and believes, and on that basis alleges, that defendant JOSEPH FRANCIS, herein after referred to as "FRANCIS", is, and at all times herein mentioned was, an individual and a resident of the State of California
3. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them, and all, were responsible for the events and happenings referred herein and directly and

RECEIVED: 09/24/09 11:25 AM
 PAYMENT: \$55.00
 RECEIVED: 09/24/09 11:25 AM
 CIT/CASE: BC422403 LSA/DEF#:
 RECEIPT #: 681470869032

1 proximately caused damage to Plaintiff as herein alleged.

- 2 4. The true names and capacities, whether individual, corporate, associate or otherwise, of
3 defendants named herein as DOES 1 through 10, inclusive, are unknown to plaintiff at
4 this time, who therefore sues said defendants by such fictitious names. Plaintiff is
5 informed and believes and therefore allege that each of the defendants designated herein
6 by fictitious name is in some manner responsible for the events and happenings herein
7 referred to, and caused damages proximately and foreseeably thereby to Plaintiff as
8 hereinafter alleged. Plaintiff asks leave of the Court to amend this Complaint when the
9 true names and capacities have been ascertained.

10 **GENERAL FACTS**

- 11 5. On or about August 28, 2009, Plaintiff was on the premises of "Guys & Dolls" Nightclub
12 in West Hollywood, CA., when without cause, defendant FRANCIS intentionally, and
13 with reckless disregard for NICOLE's physical and emotional well-being, physically
14 attacked NICOLE.
- 15 6. In an intoxicated and uncontrollable rage, defendant FRANCIS, who weighs over 200
16 lbs., physically attacked Plaintiff NICOLE, approximately 115 lbs., by pulling on her hair
17 from behind to gain maximum control over her person and then violently shoving and/ or
18 throwing her to the ground of the nightclub like a rag-doll causing injuries to Plaintiff
19 NICOLE'S person.
- 20 7. In addition, FRANCIS is a convicted felon with a lengthy criminal record that includes
21 violations of 18 U.S.C. § 2257(f)(1), failure to maintain records, 18 U.S.C. § 401,
22 criminal contempt, Fl. Stat. Ann § 827.03(1)(c), felony Child Abuse, Fl.Stat. Ann §
23 796.07(2)(f), Prostitution. In addition, he has recently executed a plea agreement to
24 which he agreed to plead guilty to filing a fraudulent tax return and bribery and in fact
25 plead guilty to those charges on September 23, 2009. He is expected to be sentenced
26 November 6, 2009.
- 27 8. As expected or should have been expected by Defendant FRANCIS, as a result of the
28 violent outburst and much to the chagrin of defendant FRANCIS, the crowd inside of the

1 nightclub became excited and enraged by what they were witnessing. In an effort by the
2 crowd to gain a glimpse of soft-porn smut series, "Girl's Gone Wild" owner/creator
3 FRANCIS engaged in a no-holds-barred attack on a helpless and defenseless woman,
4 NICOLE began to be trampled by uninterested person/ patrons of the nightclub
5 attempting to get as close as possible to what was taking place, whereby Plaintiff
6 NICOLE sustained severe and painful additional injuries to her person and psyche as a
7 direct and proximate result of FRANCIS pulling her hair.

8 9. As a direct and proximate result of the attack by defendant FRANCIS, NICOLE suffered
9 injuries, including but not limited to, black-eye, swollen face, bruised ribs, sore and
10 bruised abdomen region, bruised arms and legs, ripped-out hair, and utter emotional
11 distress and humiliation.

12 10. Guys and Doll's surveillance system clearly shows the attack upon Ms. NICOLE,
13 specifically, the footage shows FRANCIS charge towards NICOLE and pull her hair to
14 the ground causing the injuries set forth above.

15 11. WHEREFORE, Plaintiff NICOLE demands judgment as set forth below.

16 **FIRST CAUSE OF ACTION**

17 **(ASSAULT against defendant "FRANCIS" and DOES 1 through 10, inclusive)**

18 12. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
19 contained in paragraphs 1 through 11 herein as though fully set forth.

20 13. In doing the acts as alleged above, Defendant/plaintiff intended to cause or to place
21 Plaintiff in apprehension of a harmful and offensive contact with Plaintiff's person.

22 14. As a result of Defendants' acts as alleged above, Plaintiff, in fact, was placed in great
23 apprehension of a harmful and offensive contact with Plaintiff's person.

24 15. As a proximate result of the acts of Defendant as alleged, NICOLE was hurt and injured
25 in her health, strength, and activity, sustaining injury to his nervous system and person, all
26 of which have caused, and continue to cause NICOLE great mental, physical, and nervous
27 pain and suffering. Plaintiff is informed and believes and thereon alleges that these
28 injuries will result in some permanent disability to her. As a result of these injuries,

1 Plaintiff has suffered general damages.

2 16. As a further proximate result of the acts of Defendant, Plaintiff has incurred, and will
3 continue to incur, medical and related expenses. The full amount of these expenses is not
4 known to NICOLE at this time.

5 17. As a further direct and legal result of the negligence of defendants, and each of them,
6 NICOLE's earning capacity has been and will be greatly impaired, both in the past and
7 present in an amount according to proof.

8 18. The aforementioned conduct of Defendant FRANCIS was willful and malicious and was
9 intended to oppress and cause injury to NICOLE. Plaintiff is therefore entitled to an
10 award of punitive damages.

11 **SECOND CAUSE OF ACTION**

12 **(BATTERY against defendant "FRANCIS" and DOES 1 through 10, inclusive)**

13 19. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
14 contained in paragraphs 1 through 18 herein as though fully set forth.

15 20. In doing the acts as alleged above, defendant FRANCIS acted with the intent to make a
16 contact with Plaintiff NICOLE's person.

17 21. In doing the acts alleged above, the defendant made offensive and harmful contact with
18 Plaintiff.

19 22. As a proximate result of the acts of the defendant as alleged, NICOLE was hurt and
20 injured in her health, strength, and activity, sustaining injury to her person, all of which
21 have caused, and continue to cause, Plaintiff great mental, physical, and nervous pain and
22 suffering and humiliation. Plaintiff is informed and believes and thereon alleges that
23 these injuries will result in some permanent disability to her. As a result of these injuries,
24 Plaintiff NICOLE has suffered general damages.

25 23. As a further proximate result of the acts of Defendant FRANCIS, Plaintiff has incurred,
26 and will continue to incur, medical and related expenses. The full amount of these
27 expenses is not known to Plaintiff at this time.

28 24. As a further direct and legal result of the negligence of defendants, and each of them,

1 Plaintiff's earning capacity has been and will be greatly impaired, both in the past and
2 present in an amount according to proof.

3 25. The aforementioned conduct of Defendant was willful and malicious and was intended to
4 oppress and cause injury to Plaintiff. Plaintiff is therefore entitled to an award of punitive
5 damages.

6 **THIRD CAUSE OF ACTION**

7 **(NEGLIGENCE against defendant "FRANCIS" and DOES 1 through 10, inclusive)**

8 26. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
9 contained in paragraphs 1 through 25 herein as though fully set forth.

10 27. Defendant owed a duty to exercise reasonable care to prevent any emotional or physical
11 harm to Plaintiff. Plaintiff breached his duty to exercise reasonable care when he took the
12 actions as alleged above.

13 28. As a proximate result of the acts of Defendant as alleged, Plaintiff was hurt and injured in
14 her health, strength, and activity, sustaining injury to her person, all of which have
15 caused, and continue to cause, Plaintiff great mental, physical, and nervous pain and
16 suffering. Plaintiff is informed and believes and thereon alleges that these injuries will
17 result in some permanent disability to her. As a result of these injuries, Plaintiff has
18 suffered general damages.

19 29. As a further proximate result of the acts of Defendant, Plaintiff has incurred, and will
20 continue to incur, medical and related expenses. The full amount of these expenses is not
21 known to Plaintiff at this time.

22 30. As a further direct and legal result of the negligence of defendants, and each of them,
23 NICOLE's earning capacity has been and will be greatly impaired, both in the past and
24 present in an amount according to proof.

25 **FOURTH CAUSE OF ACTION**

26 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS against defendant**

27 **"FRANCIS" and DOES 1 through 10, inclusive)**

28 31. Plaintiff re-alleges and incorporates herein by this reference each and every allegation

1 contained in paragraphs 1 through 30 herein as though fully set forth.

2 32. The actions of Defendant FRANCIS were outrageous and intentional and done with
3 malice and reckless disregard for the likelihood of causing the Plaintiff to suffer severe
4 emotional distress.

5 33. As a proximate result of the aforementioned outrageous acts of the defendants, the
6 Plaintiff NICOLE has suffered emotional and physical anguish and humiliation.

7 34. As a proximate result of the aforementioned outrageous acts of the defendant, Plaintiff
8 has suffered general and special damages.

9 **FIFTH CAUSE OF ACTION**

10 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS against defendant**

11 **“FRANCIS” and DOES 1 through 10, inclusive)**

12 35. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
13 contained in paragraphs 1 through 34 herein as though fully set forth.

14 36. The actions of Defendant FRANCIS were outrageous and intentional and done with
15 malice and reckless disregard for the likelihood of causing the Plaintiff to suffer severe
16 emotional distress.

17 37. As a proximate result of the aforementioned outrageous acts of the defendants, the
18 Plaintiff NICOLE has suffered emotional and physical anguish and humiliation.

19 38. As a proximate result of the aforementioned outrageous acts of the defendant, Plaintiff
20 has suffered general and special damages

21 39. In doing the acts herein alleged, Defendants acted knowingly, intentionally and
22 maliciously and the Plaintiff is entitled to punitive damages.

23 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as
24 hereinafter set forth below.

25 **ON THE FIRST CAUSE OF ACTION:**

- 26 1. For general damages in the amount of \$1,000,000;
27 2. For punitive damages according to proof;

28 **ON THE SECOND CAUSE OF ACTION**


SHORT TITLE: Jayde Nicole v. Joseph R. Francis, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 8713 Beverly Blvd.
CITY: West Hollywood	STATE: CA	ZIP CODE: 90048

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: September 24, 2009



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.