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CASE ASSIGNED FOR
ALL PURPOSES TO
Judge **ANDREW C. KAUFFMAN**
Dept. B Div. _____

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF LOS ANGELES - SOUTHWEST DISTRICT**

17 ANTONIO ECHEVARRIA, an individual,

18 Plaintiff,

19 vs.

20 MICHAEL GERARD TYSON, an individual,
21 and DOES 1 to 50, Inclusive

22 Defendants.

) Case No.: YC063448

) **COMPLAINT FOR DAMAGES**

-) 1. ASSAULT & BATTERY
) 2. NEGLIGENCE
) 3. INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS
) 4. FALSE IMPRISONMENT AND FALSE
) ARREST

23 **Demand for Jury Trial**

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26 **COMES NOW** ANTONIO ECHEVARRIA (hereinafter "Plaintiff"), who hereby complains
27 against Defendant as follows:
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1 9. In 1987, a parking lot attendant alleged that Defendant tried to kiss a female
2 employee and struck the male attendant. Defendant paid to settle the case out of court.

3 10. In 1988, Defendant had an altercation at a nightclub with Sandra Miller and was
4 found guilty by a jury of battery.

5 11. In 1990, Defendant was sued by a former aid for sexual assault and harassment.

6 12. In 1992, Defendant was found guilty of one count of rape and two counts of deviate
7 sexual conduct. Defendant was sentenced to 10 years in prison.

8 13. In 1992, Defendant was found guilty of threatening a guard and disorderly conduct in
9 prison.

10 14. In 1997, Defendant was fined \$3 million for biting the ear of Evander Holyfield.

11 15. In 1998, Defendant was involved in a minor automobile accident and pled no contest
12 to misdemeanor assault for kicking and punching the occupants of the other automobile.

13 16. In 2000, Defendant settled a lawsuit with two women who alleged Defendant
14 assaulted them at a restaurant in Washington D.C. The women were seeking \$7.5 million in damages
15 but the terms of the settlement were kept confidential.

16 17. In 2007, Defendant pleads guilty to possession of narcotics and driving under the
17 influence.

18 18. At all relevant times herein mentioned Plaintiff was employed by Insight News and
19 Features Agency (hereinafter "INF") as a professional freelance celebrity photographer.

20 19. Plaintiff is informed and believes and based thereupon alleges, that on or about
21 November 11, 2009, starting around 2:30 p.m., Plaintiff was sent by his agency, INF, to Los Angeles
22 International Airport (hereinafter "LAX") to film Defendant and his companions in the airport as they
23 arrived on their flight from Europe. Defendant is the former boxing heavyweight champion of the
24 world.

25 20. Plaintiff is informed and believes and based thereupon alleges, that on or about on or
26 about November 11, 2009, starting around 4:00 p.m., Plaintiff approached Defendant and his
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1 companions to procure photographs of Defendant as they were walking within the public terminal #7 of
2 LAX.

3 21. Plaintiff is informed and believes, and based thereon alleges, that on or about the 700
4 World Way section of the terminal #7 while Plaintiff was filming Defendant, Defendant became angry,
5 had a verbal exchange with Plaintiff, charged at and physically assaulted, battered and attacked Plaintiff
6 by hitting him with a closed left fist, as well as intentionally damaging Plaintiff's very expensive
7 occupational camera.

8 22. The force of the beating was such that it caused abrasions and lacerations to Plaintiff's
9 head and face as well as traumatic closed brain injury resulting in brain concussions and contusions,
10 including sprain and strain to the ligaments, tendons, and muscles around the cervical spinal cord region.
11 Plaintiff was subsequently diagnosed with and suffers from post-concussion syndrome and neurological
12 problems due to the injury.

13 23. Plaintiff is informed and believes and based thereupon alleges, that the Los Angeles
14 International Airport Police were summoned and Plaintiff, although he did not physically or verbally
15 begin the altercation and neither assaulted nor battered Defendant, was physically restrained and placed
16 under private persons arrest by Defendant.

17 24. Plaintiff is informed and believes that Defendant, along with two employees of Los
18 Angeles International Airport purposefully made false statements regarding Plaintiff thereby causing
19 Plaintiff to be taken improperly taken into custody.

20 25. Plaintiff is informed and believes and based thereon alleges, that due to the nature of his
21 injuries, Plaintiff was taken to Marina Del Rey Hospital after the attack.

22 26. Plaintiff is informed and believes and based thereon alleges, that Defendant was
23 subsequently charged with assault and battery.

24 27. As a direct and proximate result of the willful, unlawful use of violence and force against
25 Plaintiff's person in this intentional misconduct of Defendant as aforesaid, and by reason of the injury
26 purposefully caused by said Defendant, Plaintiff was severely hurt in his health, strength and activity,
27 sustaining severe injuries to his face, brain, spine, neck and other parts of their body. All of the
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1 as a famous heavyweight boxer, reasonably believed to have the capacity to carry out his threats. One
2 such threat included, "I will kill you."

3 46. Within this time period complained of, Defendants MICHEAL GERARD TYSON and
4 DOES 1 through 50, breached that duty when they engaged in an intentional, threatening and violent
5 course of conduct which was calculated to and foreseeable that it would cause, and which did cause
6 Plaintiff extreme mental distress.

7 47. The acts complained of were extreme and outrageous, and exceeded the bounds of those
8 usually tolerated in a civilized community.

9 48. As a proximate result of the Defendants' conduct, Plaintiff has suffered and continues to
10 suffer emotional distress, consisting of fear, outrage, shock and humiliation, reasonably occurring and
11 likely to occur based on the vicious and violent unprovoked actions he experienced, to his damage in an
12 amount according to proof at trial.

13 49. Each of the acts complained of herein were done willfully, maliciously and oppressively,
14 and with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to
15 malice and in conscious or reckless disregard of the Plaintiff's rights. Plaintiff ECHEVARRIA is thus
16 entitled to recover punitive damages from Defendants, and each of them, in an amount according to
17 proof at trial.

18 **FOURTH CAUSE OF ACTION**

19 **FALSE IMPRISONMENT AND FALSE ARREST**

20 **(For False Imprisonment and False Arrest Against Defendant MICHAEL GERARD TYSON and**
21 **Does 1 through 50, inclusive)**

22 50. Plaintiff re-alleges each and every allegation contained in the above paragraphs 1 through
23 49 and by this reference incorporates said paragraphs as though fully set forth herein.

24 51. The tort of false imprisonment has the same definition as the criminal violation in Penal
25 Code § 236. [*Molko v. Holy Spirit Assn. (1988), 46 Cal. 3d 1092, 252 Cal. Rptr. 122, 762 P2d 46, cert den 490*
26 *US 1084, 104 L Ed 2d 670, 109 S. Ct. 2110*; Penal Code § 236 provides that false imprisonment is the
27 unlawful violation of the personal liberty of another.
28

1 52. Defendants, MICHEAL GERARD TYSON and DOES 1 through 50, inclusive made
2 false statements to the police department causing Plaintiff to be placed under arrest and detained.

3 53. Plaintiff did not assault Defendant.

4 54. Shortly after Defendant attacked Plaintiff, Defendant did intentionally, unlawfully --
5 without lawful privilege, and without any reasonable or probable cause, and without any justification, did
6 cause Plaintiff to become forcibly seized against his will and without his consent.

7 55. Defendants, MICHEAL GERARD TYSON and DOES 1 through 50, inclusive, along
8 with two employees of Los Angeles International Airport and each of them, maliciously, fraudulently,
9 and oppressively conspired to accomplish the acts herein alleged, and maliciously and oppressively
10 deprived plaintiff of his liberty for a period of approximately several hours.

11 56. They further accused (falsely) plaintiff of having committed the crime of battery (Penal
12 Code § 242)

13 57. Defendant did falsify a police report -- falsify statement(s) to a police officer.

14 58. Defendant knowingly made false accusations to the police, for the purpose of trying to
15 induce an arrest and to directly encouraged, instigated and incited a subsequent arrest, and prosecution
16 and legal proceedings.

17 59. Defendant, knew or should have known, that plaintiff committed no crime, and the
18 conspiracy and all the acts done thereunder were malicious, fraudulent, and oppressive.

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21 **PRAYER**

22 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 23 1. For compensatory damages for losses resulting from embarrassment, humiliation, mental
24 anguish and emotional distress, according to proof and in excess of the minimum
25 jurisdictional limits of this court;
- 26 2. Punitive damages for Defendants' malicious and oppressive actions described here
27 according to proof at trial;
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- 3. For loss of earnings and interest on the amount of losses incurred in earnings, deferred compensation and other employee benefits at the prevailing legal rate;
- 4. Reasonable attorneys' fees and costs as provided for by statute; and
- 5. Any other relief as the court may deem just and proper.

DATED: October 15, 2010

PHILIP J. LAYFIELD, ATTORNEY AT LAW

By: 
PHILIP J. LAYFIELD, ESQ.

THE BRIDI LAW FIRM

By: 
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Attorneys for Plaintiff
ANTONIO ECHEVARRIA

