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Law Offices of  
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**FILED**  
Los Angeles Superior Court

OCT 26 2010

John A. Clarke, Executive Officer/Clerk  
By *[Signature]*, Deputy  
DOROTHY SWAIN

Attorney for: Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

BC448073

MIKE SKIFF,  
Plaintiff,

CASE NO.

vs.

**COMPLAINT FOR DAMAGES**

COLD STREAM PRODUCTIONS, LLC;  
SASHA BARON COHEN, LARRY  
CHARLES; SCOTT BERENDEZ and  
DOES 1 TO 20, inclusive,  
Defendants.

- 1. Assault and Battery
- 2. Violation of Civil Right:  
Pursuant to Civil Code Section 51.7  
Pursuant Civil Code Section 52.1
- 3. Riot, Inciting Riot, Rout

Plaintiff, MIKE SKIFF, for causes of action against Defendants, and each of them, alleges as

follows:

**INTRODUCTION:**

**A. Proposition 8:**

Proposition 8 was a California State ballot initiative to counter the recent Court ruling that  
"marriages" were legal, so long as the ceremony was performed in accordance with existing law.

On November 4, 2008, the Proposition 8 initiative was adopted by majority vote dictating  
that a marriage is only between "a man and a woman".

CIT/CLERK: BC448073 EA/REFN;  
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1 (COHEN) produces film projects. Plaintiff is informed and believes and based on such information and  
2 belief alleges that COLD STREAM PRODUCTIONS was involved in the production of the motion  
3 picture entitled "Bruno"

4 E. Defendant, SASHA BARON COHEN (COHEN), is an individual engaged in film  
5 production in a variety of capacities including: producer, executive producer, director, writer and/or  
6 actor and the principle actor and individual producer of the motion picture entitled "Bruno".  
7

8 F. Defendant, LARRY CHARLES (CHARLES), is an individual engaged in film directing  
9 and the director of the motion picture entitled "Bruno".

10 G. Defendant, SCOTT BERENDEZ (BERENDEZ), is an individual and a member of the  
11 crew employed in the production of the motion picture "Bruno".  
12

13 H. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES  
14 through, inclusive, and therefore, sues these defendants by such fictitious names. Plaintiff will amend  
15 this complaint to insert their true names and capacities when ascertained. Plaintiff is informed and  
16 believes and thereon alleges that each of these fictitiously named defendants is responsible, for the  
17 events and happenings referred to herein which proximately caused injury and damages to plaintiff as  
18 herein alleged.  
19

20 I. Plaintiff is informed and believes, and upon such information and belief allege, that at all  
21 times herein mentioned, the defendants, and each of them, were the agents, servants, employees,  
22 assistants and consultants of each other, and were as such acting within the course, scope and authority  
23 of said agency and employment, and that each and every defendant, as aforesaid, when acting as a  
24 principal, was negligent and reckless in the selection, hiring, entrustment and supervision of each and  
25 every other defendant as an agent, servant, employee, assistant or consultant.  
26  
27  
28

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1  
2 **DEFENDANTS' INTRUSION:**

3 J. Defendants, and each of them (hereinafter referred to as "BRUNO PRODUCTIONS")  
4 where in the process of producing "Bruno", a feature motion picture film created for a purely private  
5 commercial purpose and intended for theatrical distribution. It was promoted as a comedy featuring a  
6 broadly, burlesque characterization of a gay man as the lead performer.  
7

8 L. On or about November 2, 2008, at and around First and Spring streets in the City of Los  
9 Angeles, county of Los Angeles, State of California, Plaintiff was in the course of documenting the  
10 events at the above described demonstration involving Proposition 8.  
11

12 M. BRUNO PRODUCTIONS learned that the subject demonstration was developing at the  
13 First and Spring Streets location. The BRUNO PRODUCTIONS film crew, of some 10 to 15 members,  
14 descended on the scene, without authority or permission. They unloaded their cameras and sound  
15 equipment from their vehicle and set up to film scenes of the demonstration. The sole and express  
16 purpose of BRUNO PRODUCTIONS intrusion into the demonstration was to including the results of the  
17 filming in its production of "BRUNO" and/or in its promotion for its own economic benefit.  
18

19 BRUNO PRODUCTIONS intrusion was in no manner an expression generated by political  
20 motivation regarding the issues presented by Proposition 8.  
21

22 In order to create dramatic content for its production, BRUNO PRODUCTIONS' intent was to  
23 promote violent discord between the assembled "yes" and "no" factions.  
24

25 In stark contrast with the "ultra gay" Bruno character, members of the crew, of BRUNO  
26 PRODUCTIONS', carried "Yes On Proposition 8" signs contrived for the sole purpose of inciting and  
27 sparking unrest to enhance the dramatic effect of what they may capture for their film.  
28

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1 While documenting the event, Plaintiff's attention was drawn to the intrusion of BRUNO  
2 PRODUCTIONS and its unlawful purpose and attempt to convert the peaceful demonstration into  
3 dramatic rioters. Plaintiff began filming the commotion. Plaintiff was clearly identifiable as a  
4 photographer whose interest was to document news worthy activities of interest to the gay community.  
5

6 **FIRST CAUSE OF ACTION**

7 **Assault**

8 N. Plaintiff refers to Paragraphs A through M above and incorporates them herein as though  
9 fully set forth.

10 O. On or about November 2, 2008, at or near the location of First and Spring streets in the  
11 city of Los Angeles, county of Los Angeles, State of California, a demonstration took place involving  
12 "Proposition 8", the then pending California initiative to ban gay marriage.

13 P. At said time and place, Defendants, BRUNO PRODUCTIONS and DOES 1 TO 10  
14 inclusive, by their conduct or the conduct of others over which they had control, placed Plaintiff in fear  
15 of a harmful and offensive physical contact by violently confronting Plaintiff with the threat of being  
16 clubbed with wooden signs and subjecting him to being shoved, pulled and wrestled in a vicious and  
17 blatant attempt to prevent Plaintiff from filming the event.

18 Q. In doing the acts as alleged above, intended to cause and to place Plaintiff in great  
19 apprehension of harmful and offensive contact with Plaintiff's person.  
20

21 R. As a result of BRUNO PRODUCTIONS' ACTS as allege, Plaintiff, in fact, was placed in  
22 great apprehension of harmful and offensive contact with the person.  
23

24 **SECOND CAUSE OF ACTION**

25 **Battery**

26 S. Plaintiff refers to Paragraphs A through Q above and incorporates them herein as though  
27 fully set forth.  
28

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1 T. In doing the acts as alleged above, BRUNO PRODUCTIONS acted with the intent to  
2 make the alleged contact with Plaintiff's person. BRUNO PRODUCTIONS' act and conduct was so  
3 fiercely, as to cause serious physical injury to Plaintiff, necessitating medical care and attention.

4 U. At not time did Plaintiff consent to any of the acts of BUNO PRODUCTIONS alleged  
5 above.  
6

7 **THIRD CAUSE OF ACTION**  
8 **Violation of Civil Rights**

9 V. Plaintiff refers to Paragraphs A through T above and incorporates them herein as though  
10 fully set forth.

11 W. The Ralph Civil Rights Act (C.C. 51.7) recognizes the right of persons to be free from  
12 violence, intimidation, or threats based on discrimination.

13 51.7 (a) "All persons within the jurisdiction of this state have the right to be free from any  
14 violence, or intimidation by threat of violence, against their persons or property because of  
15 their.....sexual orientation...or because another person perceives them to have one or more of those  
16 characteristics." "Sexual orientation includes heterosexuality, homosexuality, or bisexuality".(emphasis  
17 added)

18 X. As described above, Plaintiff, an accredited and licensed photo journalist, was covering  
19 an important civil demonstration on November 2, 2008, less than forty-eight hours before the election  
20 involving the issues presented by Proposition 8. Plaintiff is homosexual, who openly documents news  
21 worthy events of particular interest to that community. At the time of the subject event, Plaintiff's  
22 sexual orientation and the purpose of his presence as a news photographer were well known to BRUNO  
23 PRODUCTIONS. Plaintiff sexual orientation was the very purpose of BRUNO PRODUCTIONS'  
24 perpetration of the violence and intimidation against Plaintiff: all for its own commercial benefit.

25 Y. BRUNO PRODUCTIONS' conduct was, inescapably, an egregious affront to the  
26 homosexual community and a despicable example of discrimination, manifested by violence,  
27 intimidation and threats, perpetrated on Plaintiff, in contravention of The Ralph Civil Rights Act (C.C.  
28 51.7).

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1 **FOURTH CAUSE OF ACTION**

2 **Riot, Inciting Riot, Rout**

3 **Z.** Plaintiff refers to Paragraphs A through X above and incorporates them herein as though  
4 fully set forth.

5 **AA.** In addition, it is abundantly clear that BRUNO PRODUCTIONS' conduct violated the  
6 following Penal Code sections enact for the protection of the public and it members. The commission of  
7 these violation were the direct caused of the damages to Plaintiff.

8 "Any use of force or violence, disturbing the peace, or threat to use force or violence, if  
9 accomplished by immediate power of execution, by two or more persons acting together and without  
10 authority of law, is a riot" (Penal Code Section 404 (a).)

11 "Every person who with intent to cause a riot or engages in conduct that urges a riot, or  
12 urges others to commit acts of force or violence... and at a time and place and under circumstances that  
13 produce a clear and present and immediate danger of acts of force or violence... is guilty of inciting to  
14 riot." (Penal Code Section 404.6)

15 "Whenever two or more persons, assemble and act together make an attempt or advance  
16 toward the commission of an act which would be a riot if actually committed, such assembly is a rout."  
17 (Penal Code Section 406)

18 "Whenever two or more persons assemble together to do an unlawful act, or do a lawful  
19 act in a violet, boisterous, or tumultuous manner such assembly, in an unlawful assembly." (Penal Code  
20 Section 407)

21 **INJURIES AND DAMAGES**

22 **BB.** As a proximate result of the acts of BRUNO PRODUCTIONS, Plaintiff was injured in  
23 his health, strength and activity, sustaining injury to his body and shock and injury to his nervous system  
24 and person, all of which injuries have caused and continue to cause Plaintiff great physical, mental and  
25 emotional pain and suffering: all to his damage in an amount within the "unlimited" jurisdiction of this  
26 court.

27 **CC.** As a further proximate result thereof, Plaintiff was required to and did employ physicians  
28 and surgeons to examine, treat, and care for him, and incurred additional medical expenses for other

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1 incidental expenses. Plaintiff is informed and believes and thereon alleges that he will incur additional  
2 medical expenses and incidental expenses, the exact amount of which is unknown.

3 Plaintiff will amend this complaint upon determination of the exact amount.

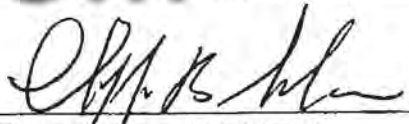
4 The wrongful and unlawful conduct was intentional, malicious, and oppressive and in utter  
5 disregard of the grave consequences to Plaintiff, justifying an award of exemplary and punitive damages.

6 Pursuant Civil Code section 52.(b), Plaintiff is entitled, in addition to actual damages, punitive  
7 damages, a civil penalty of \$25,000.00 and attorney fees for each violation of **Civil Code Section 51.7**.

8  
9 WHEREFORE, plaintiff prays judgment against defendants as follows:

- 10 1. For general damages according to proof;  
11 1. For medical and related expenses according to proof;  
12 2. For exemplary and punitive damages according to proof;  
13 3. For punitive damages, a civil penalty of \$25,000.00 and attorney fees for violation of Civil  
14 Code Section 51.7  
15 4. For interest according to proof;  
16 6. For costs of suit incurred herein; and  
17 7. For such other and further relief as the court may deem proper.

18  
19  
20 DATED: Oct 26, 2010 Law Offices of CLIFFORD B. SCHERER

21  
22 by:   
23 CLIFFORD B. SCHERER  
24 Attorney for Plaintiff  
25  
26  
27  
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