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LOS ANGELES SUPERIOR COURT  
OF ORIGINAL JURISDICTION  
Los Angeles Superior Court

MAR 02 2007

John A. Clarke, Executive Officer/Clerk

v. \_\_\_\_\_, Deput

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC367239

11 GERARD RECHNITZER,

12 Plaintiff,

13 vs.

14 SEAN JOHN COMBS (also known as  
15 DIDDY, also known as P. DIDDY, also  
16 known as PUFF DADDY, also known as  
17 PUFFY), and DOES 1 to 100, Inclusive,

18 Defendants.

) COMPLAINT FOR DAMAGES

) 1. Assault and Battery

) 2. General Negligence

18 COMES NOW Plaintiff Gerard Rechnitzer and alleges as follows:

20 1. That at all times herein mentioned, Plaintiff Gerard Rechnitzer ("Plaintiff") was  
21 a resident of the County of Los Angeles, State of California.

22 2. That at all times herein mentioned, Defendant Sean John Combs was a  
23 resident of the City of New York, State of New York. Defendant Sean John Combs conducts  
24 business in the City of Los Angeles, frequently visits the City of Los Angeles for business and  
25 for pleasure, and therefore has minimum contacts within the jurisdiction of this Court.

26 3. That the above-entitled Court is the proper Court for this action because the  
27 injury to Plaintiff Gerard Rechnitzer occurred within the jurisdiction of said Court.

28 //

1           4.       That Plaintiff is ignorant of the true names and capacities of Defendants sued  
2 herein as Does 1 through 100, inclusive, and each of them, and therefore sues these Defendants  
3 by such fictitious names. Plaintiff will amend his complaint to allege the true names and  
4 capacities of said fictitiously named Defendants when their true names, identities and  
5 capacities have been ascertained. Plaintiff is informed and believes and herein alleges that  
6 each of the fictitiously named Defendants acted maliciously, willfully, negligently, and/or  
7 carelessly, and thereby caused injury to Plaintiff and which acts and/or omissions occurred  
8 within the jurisdiction of the above-entitled Court as hereinafter alleged, and that Plaintiff's  
9 losses as herein alleged were proximately caused by such acts and/or omissions of said  
10 fictitiously named Defendants.

11           5.       That Defendants, inclusive, and each of them, whether named or designated as  
12 Doe, or otherwise, were at all times herein mentioned, the agents, employees, or servants, and  
13 partners of each of the other Defendants, and/or contracting parties with their co-defendants,  
14 and in doing the things hereinafter alleged, were acting within the course and scope of such  
15 agency, employment, service, contract and/or partnership and the conduct of each Defendant  
16 was authorized and ratified by the other.

17           6.       That on February 25, 2007, Plaintiff went to a nightclub by the name of Teddy's  
18 at the Roosevelt Hotel at 7000 Hollywood Boulevard, Los Angeles, California 90028. The  
19 incident occurred as Plaintiff proceeded to leave the Roosevelt Hotel between 2:00 a.m. and  
20 2:30 a.m.

21           7.       As Plaintiff proceeded to leave the Roosevelt Hotel with his girlfriend and a  
22 group of other friends, Plaintiff stopped to use the restroom. Before doing so, Plaintiff and his  
23 girlfriend decided that his girlfriend would accompany their group of other friends to the  
24 parking lot in order to retrieve Plaintiff's vehicle from the valet parking attendant, and further  
25 agreed that Plaintiff would meet his girlfriend and the remainder of the group in the parking lot  
26 when Plaintiff was done.

27           8.       Shortly thereafter, Plaintiff left the restroom and proceeded to the parking lot  
28 wherein he observed one of his friends in a vehicle. Plaintiff approached the vehicle and

1 inquired from his friend as to the whereabouts of his girlfriend. At which point, Plaintiff's  
2 friend indicated that Plaintiff's girlfriend was speaking with "Puff Daddy." Plaintiff observed  
3 his girlfriend speaking with Defendant Sean John Combs (also known as "Diddy" also known  
4 as "P. Diddy," also known as "Puff Daddy," also known as "Puffy," hereinafter "Defendant  
5 Combs). At which point, Plaintiff decided that this would be a good opportunity to meet  
6 defendant Combs, join his girlfriend, get his car, and eventually leave.

7 9. Defendant Combs was surrounded by an unknown number of his private security  
8 guards. One of these private security guards prevented Plaintiff from approaching the location  
9 and entering the proximate area where Defendant Combs and Plaintiff's girlfriend were  
10 speaking. At that time, Plaintiff said "Hi Babe," to his girlfriend and she then stated, "That's  
11 my boyfriend." Prior to Plaintiff's arrival, Plaintiff's girlfriend had already informed Defendant  
12 Combs that she had a boyfriend who was with her on the night of the subject incident.  
13 Defendant Combs signaled his security officer by nodding his head, and Plaintiff was allowed  
14 to approach the location where Defendant Combs and Plaintiff's girlfriend were speaking,  
15 which was an area that was surrounded by Defendant's security guards.

16 10. Plaintiff stood next to his girlfriend. Defendant Combs and Plaintiff's girlfriend  
17 continued their conversation. Shortly thereafter, and without any provocation on the part of  
18 Plaintiff, Defendant Combs turned to Plaintiff and in a threatening and ominous manner yelled,  
19 "What the fuck you looking at dude?" Right away, Plaintiff, who felt threatened by Defendant  
20 and in fear for his safety and the safety of his girlfriend given Defendant's conduct and the fact  
21 that they were surrounded by Defendant's private security, immediately looked at his girlfriend  
22 and advised her that they should leave. Instantly, Defendant Combs, again in a threatening and  
23 ominous manner, yelled at Plaintiff that, "I'll smack flames out your ass!" Plaintiff was  
24 horrified, shocked, embarrassed, humiliated, afraid that both he and his girlfriend would be  
25 harmed, and was seriously concerned that Defendant Combs would attack him, his girlfriend or  
26 both of them. However, before Plaintiff was able to do anything, Defendant Combs  
27 intentionally, willfully, knowingly and unlawfully attacked, assaulted and battered Plaintiff,  
28 without Plaintiff's consent, thereby causing Plaintiff to fly backwards several feet and Plaintiff

1 alleges, on information and belief, that thereafter Plaintiff struck a vehicle that was behind  
2 Plaintiff. At no time was Plaintiff, who is five feet, seven inches, (5'7"), tall with a slim build,  
3 ever a threat to Defendants, nor was he able to protect or defend himself from the larger  
4 Defendant Combs.

5 11. Plaintiff alleges, on information and belief, that after attacking Plaintiff,  
6 Defendant Combs intentionally, willfully and knowingly pushed Plaintiff's girlfriend and  
7 attempted to spit on another female member of Plaintiff's group.

8 12. At that point, Defendants fled away from the location of this incident. As the  
9 vehicle in which Defendant Combs was an occupant left the parking area of the Roosevelt  
10 Hotel, Defendant Combs stuck out the upper half of his body through an open passenger  
11 window of his vehicle, and stared Plaintiff down in a threatening and menacing manner thereby  
12 causing Plaintiff to fear for his safety and the safety of his girlfriend.

13 13. Shortly thereafter, Plaintiff called the police. After speaking with the police, and  
14 making a report of the incident, Plaintiff and his girlfriend left the scene of the incident.

15  
16 **FIRST CAUSE OF ACTION**  
17 **FOR ASSAULT AND BATTERY**

18 14. Plaintiff incorporates herein by this reference as if fully set forth herein the  
19 allegations contained in Paragraphs 1 through 13, inclusive, as alleged herein above.

20 15. That on or about February 25, 2007, Defendant Combs, and Does 1 through 50,  
21 inclusive, and each of them, intentionally, willfully, knowingly, unlawfully and maliciously  
22 attacked, struck, assaulted and battered Plaintiff, without Plaintiff's consent, and with the intent  
23 to cause Plaintiff injury and harm, such that Defendant caused Plaintiff to fly backwards  
24 several feet and strike a vehicle that was behind him. The conduct of Defendant Combs, and  
25 Does 1 through 50, inclusive, and each of them, was despicable and was carried out with a  
26 willful and conscious disregard for the rights and safety of Plaintiff, thereby actually and  
27 proximately causing Plaintiff to suffer injuries, damage, harm and pain. The acts complained  
28 of, and pled herein and thereon, were carried out by Defendant Combs, and Does 1 through 50,

1 inclusive, and each of them, with full knowledge, understanding and awareness of the  
2 dangerous consequences and certain injuries, damages, embarrassment, and harm that Plaintiff  
3 would suffer, and with a conscious disregard for Plaintiff's health and safety.

4 16. Additionally, and as a direct result and consequence of the damages suffered by  
5 Plaintiff as alleged herein, Plaintiff will in the future suffer special economic damages  
6 consisting of, but not limited to, hospital and medical expenses, and general damages for pain  
7 and suffering.

8 17. Furthermore, as a direct result of the acts of Defendant Combs, and Does 1  
9 through 50, inclusive, and each of them, Plaintiff is entitled to recover punitive and/or  
10 exemplary damages against said Defendants, inclusive, and each of them, in an amount  
11 according to proof.

12  
13 SECOND CAUSE OF ACTION

14 FOR GENERAL NEGLIGENCE

15 18. Plaintiff incorporates herein by this reference as if fully set forth herein the  
16 allegations contained in Paragraphs 1 through 13, and Paragraphs 14 through 17, inclusive, as  
17 alleged herein above.

18 19. Defendant Combs, and Does 51 through 100, inclusive, and each of them,  
19 negligently and carelessly caused Plaintiff to be unlawfully, touched, assaulted, battered, and  
20 attacked.

21 20. Defendant Combs, and Does 51 through 75, inclusive, and each of them,  
22 breached their duty of care to Plaintiff by not acting in a reasonable manner and taking any  
23 reasonable steps to prevent the violent altercation and attack on Plaintiff, which caused  
24 Plaintiff injuries and damages.

25 21. Moreover, Does 51 through 75 were negligently hired, trained, supervised,  
26 contracted, and/or retained by Defendant Combs, and Does 76 through 100, inclusive, and each  
27 of them, to secure and protect Defendant Combs and any location, area or surrounding in which  
28 Defendant Combs may be present, but failed to do so in a reasonable manner, thereby being an

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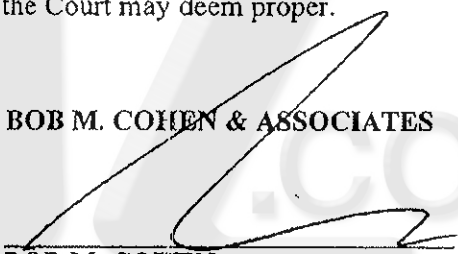
actual and proximate cause of the subject incident and the injuries and damages suffered by Plaintiff.

**WHEREFORE**, Plaintiff Gerard Rechnitzer prays for Judgment against Defendants, inclusive, and each of them, as follows:

1. For economic and special damages consisting of, but not limited to, past, present and future hospital and medical expenses, and loss of earnings, and other losses, of Plaintiff Gerard Rechnitzer herein;
2. For non-economic and general damages consisting of, but not limited to, damages to compensate Plaintiff Gerard Rechnitzer herein for his past, present and future pain and suffering;
3. For punitive and/or exemplary damages against Defendant Combs, and Does 1 through 50, inclusive, and each of them;
4. For costs of suit incurred herein; and,
5. For such other and further relief as the Court may deem proper.

**DATED:** March / , 2007

**BOB M. COHEN & ASSOCIATES**



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