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FILED
LOS ANGELES SUPERIOR COURT

AUG 28 2008

JOHN A. CLARKE, CLERK

BY SHAUNYA WESLEY, DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 CENTRAL DISTRICT, COUNTY OF LOS ANGELES, UNLIMITED JURISDICTION

11 KENNETH CORRALES, an individual,

12 Plaintiff,

13 v.

14 TANISHA S. THOMAS, an individual;
15 BUNIM-MURRAY PRODUCTIONS, INC., a
16 business entity form unknown; OXYGEN
17 MEDIA, LLC, a business entity form
18 unknown; DAY AFTER, a business entity form
19 unknown and DOES 1 through 50, inclusive,

20 Defendants.

CASE NO:

EC397181

COMPLAINT FOR DAMAGES FOR

1. Assault and Battery;
2. General Negligence;
3. Intentional Infliction of Emotional Distress;
4. Negligent Failure to Supervise;

Doc Michael J. Hernandez

08/28/08

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1 6. Plaintiff is presently unaware of the true names and capacities of those defendants
2 named herein fictitiously as DOES. However, if by way of Plaintiff's continuing investigation, or
3 otherwise, Plaintiff is able to ascertain the true names and capacities of the aforementioned
4 fictitiously named defendants, Plaintiff will immediately seek leave of Court to amend this
5 complaint to reflect the true names and capacities of the aforementioned fictitiously named
6 Defendants. On the same basis, on information and belief, Plaintiff alleges that the defendants, and
7 each of them named herein, aided in and contributed to the proximately caused damages
8 complained of herein by Plaintiff.

9 7. Plaintiff is informed and believes, and based upon such information and belief,
10 alleges that at all times herein mentioned each Defendants were the agent, employee, or employer
11 of each of its co-defendants, and in doing the acts hereinafter mentioned, each defendants were
12 acting within the scope of its authority and as such agent and employee with the permission and
13 consent of its co-defendants, and each of them.

14 8. Plaintiff is further informed, believes, and thereon alleges that each of the acts of the
15 aforementioned Defendants complained of herein is within the course and scope of the
16 aforementioned agency, employment and conspiracy at the advice, order, instruction, direction and
17 control of each of the other Defendants.

18 9. Plaintiff CORRALES is informed, believes and alleges thereon that at all times
19 herein mentioned there existed a unity of interest and ownership between all non-business
20 Defendants and all business Defendants and each of them, such that any individuality and
21 separateness between these Defendants have ceased, and these non-business Defendants are the
22 alter ego of the business Defendants.

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1 **FIRST CAUSE OF ACTION**

2 **(For Assault and Battery by Plaintiff against all Defendants)**

3 10. Plaintiff refers to and incorporate herein by reference paragraphs 1 through 9 above,
4 as though fully set forth herein.

5 11. On or about November 11, 2007, at approximately 1:00 a.m., THOMAS and DOES
6 1 to 10, struck CORRALES in the head with the glass, believed to be a beer mug, causing a deep
7 laceration to CORRALES' forehead. The attack was performed while the Defendants were taping
8 a "Bad Girls Club" episode, and the entity Defendants knew there was an increased risk of harm to
9 the Plaintiff as a result of the filming of the television show. The entity Defendants knew the
10 individual defendants were aggressive and behaved in a manner not conducive to normal society,
11 and the entity defendants encouraged and promoted said aggressive and anti-social behavior in an
12 effort to increase the viewer ratings of the "Bad Girls Club" television show.

13 12. THOMAS, and DOES 1 to 10, made harmful contact with Plaintiff's person when
14 she hit him with the glass beer mug. Said contacts were harmful and offensive and were of a
15 character that would offend a person of ordinary sensitivity, and were unwarranted by the social
16 usages prevalent at the time and place at which the contacts were made. The entity defendants
17 knew that this type of offensive contact was likely to occur, and, in fact, promoted said conduct in
18 an effort to boost the ratings of its "Bad Girls Club" television show.

19 13. CORRALES did not consent to said unlawful contacts.

20 14. As a direct and proximate result of THOMAS', and DOES 1 to 10, conduct,
21 CORRALES has been injured in his body and health, strength and activities, and has thereby been
22 rendered sick, sore, lame and disabled, which injuries have caused and continue to cause great
23 mental, nervous and physical pain and suffering, subsequent disorders, intensive anxiety, emotional
24 distress, apprehension, and other distress secondary to the aforementioned injuries and damage, all
25 to CORRALES' damages in a sum as may be proven at time of trial. Plaintiff is informed and
26 believes and thereon alleges that some of all of said injuries will be of a permanent nature and will
27 result in some permanent disability to Plaintiff, all to his general damages in a sum within the
28 jurisdiction of this Court.

08/28/08

1 15. As a further, direct and proximate result of the misconduct of Defendants,
2 CORRALES was required to and did employ medical professionals to examine, diagnose and treat
3 him, and did thereby incur, and will in future incur medical and other related expenses in
4 connection therewith. The exact amount of such expenses is unknown to CORRALES at this time
5 and therefore Plaintiff will ask leave of Court to amend this Complaint to show the reasonable
6 value of such medical services at the time of trial.

7 16. Defendants did all of the above with a conscious and reckless disregard for the
8 safety of others with full knowledge that there was a high probability that such conduct could result
9 in causing CORRALES serious injuries. The Defendants actively promoted the "bad girl" nature
10 of the individual defendants so as to increase viewership of the "Bad Girls Club" television show,
11 and thereby benefit financially from an increase in advertising revenues. As a result of the
12 reckless, willful and wanton misconduct of said Defendants which conduct was knowingly and
13 intentionally engaged in by said Defendants with full knowledge of the high probability of serious
14 injury that could result from such conduct, punitive damages against said Defendants to punish and
15 make an example of said Defendants are appropriate and proper. The conduct of said Defendants
16 as alleged herein would constitute despicable conduct carried on by said Defendants with a willful
17 and conscious disregard of the rights or safety of others fully supporting an award of punitive
18 damages against said Defendants.

19 WHEREFORE, Plaintiff prays for judgment as set forth below.

20
21 **SECOND CAUSE OF ACTION**

22 **(For Negligence by Plaintiff against all Defendants)**

23 17. Plaintiff repeats and realleges paragraphs, 1 through 16, inclusive, and incorporates
24 them herein by this reference.

25 18. Defendants, and each of them, owed to Plaintiff a duty of due care, including, but
26 not limited to Defendants' creation, provision and operation of a safe, secure and non-violent
27 environment, and, further, owed a duty to the Plaintiff not to increase the risk of harm to him as a
28 result of the defendants' activities.

1 supervise its security personnel, and DOES 1 through 25, inclusive, and each of them, in its
2 performance of performing, or rendering assistance in the performance of maintaining a safe and
3 secure environment for its patrons.

4 26. The failure of Defendant DAY AFTER and DOES 25 through 50, inclusive, and
5 each of them, to adequately train and supervise its security personnel and DOES 1 through 25,
6 inclusive, and each of them, was the proximate cause of Plaintiff's injury, as had they trained said
7 personnel in the performance of maintaining a safe and secure environment for its invited guests,
8 the Plaintiff would not have suffered the injuries he did.


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WHEREFORE, Plaintiff prays for judgment as follows:

1. For general damage according to proof;
2. All special damages according to proof;
3. For punitive damages in an amount according to proof;
4. For costs of suit herein incurred; and
5. For such other and further relief as the court may deem proper.

DATED: August 27, 2008

LAW OFFICES OF MARTIN L. HORWITZ, P.C.

By 
MARTIN L. HORWITZ, ESQ.
Attorney for Plaintiff,
KENNETH CORRALES

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