

AUG 29 2007

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6  
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF LOS ANGELES

9  
10 GARY ARMIJO,  
11 Plaintiff,  
12 vs.  
13 W. AXL ROSE, aka AXL ROSE, fka  
14 WILLIAM BRUCE ROSE, JR., GUNS  
15 'N ROSES, a business entity, form  
16 unknown, and DOES 1-30,  
17 Defendants.

Case No.: EC 045529

COMPLAINT FOR:

- 1. Battery; and
- 2. Negligence

18 COMES NOW Plaintiff Gary Armijo who for his Complaint alleges:

19 PRELIMINARY ALLEGATIONS

20 1. Plaintiff Gary Armijo is, and at all times mentioned herein was, an  
21 individual residing in Los Angeles County, California.

22 2. Plaintiff is informed and believes, and on this basis alleges, that  
23 Defendant W. Axl Rose, aka Axel Rose, fka William Bruce Rose. (hereafter Axl Rose),  
24 is, and at all times mentioned herein was, an individual residing in Los Angeles County,  
25 California.

26 3. Plaintiff is informed and believes, and on this basis alleges, that  
27 Defendant Guns 'N Roses is a business entity, form unknown, which operates as a rock  
28 and roll band, with its principal place of business in Los Angeles County, California.



1           10. While Plaintiff was performing the services for which he was employed,  
2 which included protecting Defendants from overzealous concertgoers that might attempt  
3 to climb up on the stage, and without any provocation on the part of Plaintiff, Defendant  
4 Axl Rose came to the front of the stage during the performance and intentionally kicked  
5 Plaintiff in the head proximately causing severe physical injuries to Plaintiff.

6           11. Plaintiff is informed and believes that Defendant Axl Rose was acting  
7 both individually and within the course and scope of his agency with Defendant Guns  
8 'N Roses when he committed the above-described battery upon Plaintiff. Consequently,  
9 Plaintiff alleges that Defendants Axl Rose and Guns 'N Roses, and Does 1 through 30,  
10 are jointly and severally liable to Plaintiff for the personal injuries he incurred.

11           12. As a proximate result of Defendants' battery, Plaintiff has experienced  
12 pain and suffering, sleeplessness, headaches, and loss of the earnings. Plaintiff has also  
13 incurred, and will continue to incur, medical expenses as a direct and proximate result  
14 of Defendants' battery. Plaintiff has been damaged in an amount to be proved at the  
15 time of trial and in excess of this Court's minimum jurisdictional requirement.

16           13. In addition, Defendant Axl Rose, in the several year period prior to the  
17 battery complained of here, has demonstrated a pattern of behavior similar to the acts  
18 alleged here. He has intentionally committed similar batteries on security personnel in  
19 other locations, including, but not limited to, the severe biting of a hotel security guard  
20 in Sweden in 2006. In fact, since 1981, Plaintiff is informed and believes, and on such  
21 basis alleges, that Defendant Axl Rose has been arrested in excess of 30 times for  
22 various acts of assault on private individuals, including, but not limited to, an incident in  
23 1993 wherein Defendant Axl Rose threw himself into the audience at a Guns 'N Roses  
24 concert causing personal injuries to an audience member.

25           14. Despite numerous lawsuits that have been filed against Defendant Axl  
26 Rose, he continues unbridled in the type of reckless behavior alleged herein resulting in  
27 personal injuries in virtually every incident to innocent security personnel and members  
28 of the public.

1 15. Unless restrained and enjoined from such behavior, Plaintiff is informed  
2 and believes that Defendant Axl Rose will continue to commit willful assaults of the  
3 nature described herein on innocent members of the public and security personnel, both  
4 during and outside of Guns 'N Roses concerts.

5 16. Accordingly, to prevent irreparable injury to members of the public and  
6 security personnel where pecuniary relief may not be adequate, and to prevent a  
7 multiplicity of lawsuits, many of which have already occurred, Plaintiff seeks a  
8 permanent injunction pursuant to Code of Civil Procedure Section 526 restraining,  
9 enjoining and prohibiting Defendant Axl Rose from committing physical assaults on  
10 members of the public or security personnel during and outside of Guns 'N Roses  
11 concerts, by kicking, punching, hitting, biting, using his body or otherwise making  
12 unlawful and uninvited physical contact with such persons.

13 17. Pursuant to Code of Civil Procedure Section 1021.5, Plaintiff seeks  
14 reimbursement for reasonable attorneys' fees incurred under this cause of action.

15 18. This pattern of conduct by Axl Rose was known to Defendants Guns 'N  
16 Roses, and Does 1 through 30, yet these Defendants took no action to prevent the  
17 battery complained of here, or to protect Plaintiff or others in the community from the  
18 intentional tortuous acts of Defendant Rose. The conduct of the Defendants, including  
19 Axl Rose, Guns 'N Roses and Does 1 through 30 was willful, wanton, malicious,  
20 reckless and in conscious disregard of the rights and safety of Plaintiff and others and  
21 was intended to, and did cause personal injury to Plaintiff. Accordingly, Plaintiff seeks  
22 exemplary and punitive damages against Defendants in an amount to be proved at the  
23 time of trial.

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25 **SECOND CAUSE OF ACTION FOR NEGLIGENCE**

26 (Against all Defendants)

27 19. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 14,  
28 above, as if fully set forth herein.

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Count One Against Defendant Axl Rose

20. At all times mentioned herein, Defendant Axl Rose owed a duty to Plaintiff, and to all other persons in the vicinity of their stage show, to refrain from reckless conduct that might cause personal injuries to another.

21. During the concert, Defendant Axl Rose violated the duty that he owed to Plaintiff by kicking Plaintiff in the head and proximately causing severe physical injuries to Plaintiff.

22. Plaintiff is informed and believes that Defendant Axl Rose was acting both individually and within the course and scope of his agency with Defendants Guns 'N Roses when he kicked Plaintiff in the head. Consequently, Plaintiff alleges that Defendants Axl Rose and Guns 'N Roses are, and Does 1 through 30, jointly and severally liable to Plaintiff for the personal injuries he incurred.

23. As a proximate result of Defendants' breach of duty to Plaintiff, Plaintiff has been damaged in an amount to be proved at the time of trial and in excess of this Court's minimum jurisdictional requirement.

Count Two Against Defendants Guns 'N Roses

24. Defendants Axl Rose and Guns 'N Roses are well known for their extreme and sometimes violent stage antics, as described in paragraphs 13 and 14, above. Accordingly, Defendants Guns 'N Roses, and Does 16-30, owed a duty at all times to Plaintiff, and to all other persons in the vicinity of their stage show, to restrain Defendant Axl Rose from engaging in reckless conduct that might cause personal injuries to another.

25. Nevertheless, Defendants Guns 'N Roses, and Does 16-30, took no action to protect Plaintiff or others in the community from the intentional tortuous acts of Defendant Rose, or to prevent the reckless conduct of Defendant Axl Rose complained of herein when he kicked Plaintiff in the head and proximately caused Plaintiff severe physical injuries.

1           26. As a proximate result of this breach of duty to Plaintiff by Defendants  
2 Guns 'N Roses, and Does 16-30, Plaintiff has been damaged in an amount to be proved  
3 at the time of trial and in excess of this Court's minimum jurisdictional requirement.  
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5           WHEREFORE, Plaintiff prays:

- 6           1. For judgment in his favor in his First Cause of Action in an amount to be  
7 proven at trial;
- 8           2. For permanent injunctive relief on his First Cause of Action restraining,  
9 enjoining and prohibiting Defendant Axl Rose from committing physical  
10 assaults on members of the public or security personnel during and  
11 outside of Guns 'N Roses concerts, by kicking, punching, hitting, biting,  
12 using his body or otherwise making unlawful and uninvited physical  
13 contact with such persons.
- 14           3. For exemplary and punitive damages on his First Cause of Action in an  
15 amount to be proven at trial;
- 16           4. For reasonable attorneys' fees on his First Cause of Action;
- 17           5. for judgment in his favor on his Second Cause of Action in an amount to  
18 be proved at the time of trial;
- 19           6. For costs of suit incurred herein; and
- 20           7. For such other and further relief as the Court deems just and proper.

21  
22 DATED: 8/21, 2007

23           James M. Gansinger by  
24           JAMES M. GANSINGER <sup>Eric L. Troff,</sup>  
25           ERIC L. TROFF <sub>ESQ.</sub>  
26           Attorneys for Plaintiff  
27           Gary Armijo  
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