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**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

OCT 21 2008

John A. Clarke, Executive Officer/Clerk
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

9 THOMAS RICCIO, an individual
10 Plaintiff,

Case Number:

BC400362

11 vs.

12 PHILIP MCGRAW an individual, STAGE 29
13 MEDIA PRODUCTIONS, INC. a Delaware
14 Corporation, and DOES 1 through 100 inclusive,
15 Defendants

Complaint for Defamation, Fraud,
Intentional Infliction of Emotional Distress,
False Light

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17
18 Plaintiff, THOMAS RICCIO, an individual, hereby alleges the following:

19
20 **INTRODUCTION OF PARTIES**

- 21 1. Plaintiff, THOMAS RICCIO ("Plaintiff") at all times mentioned herein, is and was
22 in individual residing in the County of Los Angeles, State of California.
- 23 2. Defendant, PHILIP MCGRAW, ("MCGRAW" or "Defendant") is, and at all times
24 mentioned herein was, an individual residing in the County of Los Angeles, State of California.
- 25 3. On information and belief, Plaintiff alleges that **STAGE 29 MEDIA**
26 **PRODUCTIONS, INC.** is a corporation with its principal place of business in the County of
27 Los Angeles, State of California

1 10. During the taping of the show, MCGRAW credits the Goldman family for putting
2 pressure on O.J. Simpson which ultimately led to his arrest and conviction in Las Vegas.
3 MCGRAW asked Plaintiff about this pressure and Plaintiff stated that he didn't agree. Then
4 MCGRAW states falsely that on page 167 of Plaintiff's book, "Busted" he said the Goldman's
5 pressure on O.J. kept him from going to the police. When Plaintiff again disagreed, MCGRAW
6 questioned the fact that Plaintiff actually wrote his own book.

7 11. The fact is that page 167 of Plaintiff's book "Busted" doesn't even mention the
8 Goldmans, and nowhere in the book does it state that the Goldmans put pressure on Simpson
9 that led to those crimes and his conviction. At no time did MCGRAW ever correct this and
10 other errors that he made. People viewing the show were left with the impression that Plaintiff
11 did not write his own book and/or that he either lied in his book or lied in the interview with
12 MCGRAW.

13 12. After further questioning of Plaintiff by MCGRAW, Plaintiff states, "That's just the
14 reality of it," regarding pressure put on by the Goldman family. That quote by Plaintiff was
15 thereafter taken and used in promotional advertisements as Plaintiff's response to accusations
16 that he was cashing in on this incident.

17 13. Defendants also used a video clip of Plaintiff stating that "O.J. was set up, and now
18 he's going down for it." This clip was used out of context and without showing that Plaintiff
19 was referring to the two gunmen who he stated had set up O.J. Simpson. It implies that Plaintiff
20 was somehow admitting that he had set up O.J. Simpson.

21 14. Defendants also published the following statements on their show:

- 22 1. That Plaintiff was referred to as, "The shady deal maker;"
- 23 2. That Plaintiff is "A puppet master who would sell his soul for a coin."
- 24 3. Plaintiff is "The ring leader of this crime."

25 15. MCGRAW, in the interview, falsely claims that Plaintiff set O.J. Simpson up and
26 told people to bring guns into the room. Plaintiff's denial and statement that he is in fact anti-
27 gun, and would never ask anyone to bring guns into a room with him, was edited out and
28 replaced with a shot of Plaintiff nodding his head as if in agreement with MCGRAW.

1 16. Defendants had placed Mike Gilbert next to Plaintiff on a couch in the interview
2 and MCGRAW then told Gilbert that Plaintiff called him "A liar, a fraud, and a weasel." This
3 was an obvious attempt to provoke some type of violent, physical response from Gilbert, and
4 cause Plaintiff bodily harm and emotional distress.

5
6 **FIRST CAUSE OF ACTION**

7 **(Defamation against Defendants)**

8 17. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 16
9 inclusive, as if set forth in full herein

10 18. Defendants have made publications, orally uttered or inferred, with the intent to
11 injure Plaintiff's reputation, either generally or with respect to his occupation.

12 19. The publications made by Defendants were, including, but not limited to, the
13 statements set forth above. Further, by splicing answers to different questions and showing
14 Plaintiff nodding as if in agreement with statements made, Defendants have further defamed
15 Plaintiff.

16 20. All of the aforementioned publications made by Defendants were false.

17 21. All of the aforementioned publications made by Defendants were made with actual
18 malice.

19 22. All of the aforementioned publications made by Defendants were unprivileged.

20 23. As a natural, direct, and proximate result of the Defendants' publications, Plaintiff
21 has suffered actual damage to his reputation. In addition, the damage to Plaintiff's reputation
22 has caused Plaintiff pecuniary harm.

23 24. The aforementioned conduct of Defendants were deliberate acts resulting in the
24 deprivation of Plaintiff's property or legal rights or otherwise causing injury, and was
25 despicable conduct that subjected Plaintiff to unjust hardship in conscious disregard of
26 Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

27 **SECOND CAUSE OF ACTION**

28 **(Fraud against Defendants)**

1 caused by it, as hereinabove alleged, Plaintiff suffered severe humiliation, mental anguish, and
2 emotional and physical distress, and has been injured in mind and body in an amount to be
3 proven at trial.

4 34. The aforementioned conduct of Defendants were deliberate acts resulting in the
5 deprivation of Plaintiff's property or legal rights or otherwise causing injury, and was
6 despicable conduct that subjected Plaintiff to unjust hardship in conscious disregard of
7 Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

8
9 **FOURTH CAUSE OF ACTION**

10 **(False Light against Defendants)**

11 35. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 16
12 inclusive, as if set forth in full herein.

13 36. Defendants published the statements made about Plaintiff as set forth above.

14 37. These statements made and answers to questions attributed to Plaintiff places
15 Plaintiff in a false light.

16 38. These statements made about Plaintiff and falsely attributed to Plaintiff would be
17 highly offensive and embarrassing to reasonable persons.

18 39. The aforementioned conduct of Defendants were deliberate acts resulting in the
19 deprivation of Plaintiff's property or legal rights or otherwise causing injury, and was
20 despicable conduct that subjected Plaintiff to unjust hardship in conscious disregard of
21 Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

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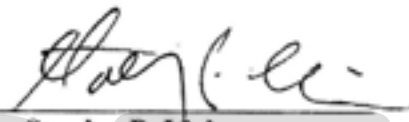
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WHEREFORE, Plaintiff prays judgment against Defendants as follows:

1. For damages in an amount to be determined at trial;
2. For punitive damages;
3. For costs of suit incurred herein and expended; and
4. For such other and further relief as the Court may deem just and proper.

DATED: October 21, 2008

LIEBER LAW OFFICES

By: 
Stanley P. Lieber
Attorneys for Plaintiff, Thomas Riccio



**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

PHILIP MCGRAW an individual, STAGE 29 MEDIA PRODUCTIONS, INC. a Delaware Corporation, and DOES 1 through 100 inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
THOMAS RICCIO, an individual

SUM-100

FOR COURT USE ONLY
**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

OCT 21 2008

John A. Clarke, Executive Officer/Clerk
By: [Signature] Deputy
E.M. BROWN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es)
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012

CASE NUMBER
(Número de Caso)
BC400362

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Stanley P. Lieber, Telephone number (818) 888-1814

DATE: **OCT 21 2008**
(Fecha)

Clerk, by _____ Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
- Under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

RECAL