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JERRY L. MONTANO  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES  
10

11 JERRY L. MONTANO, an individual,

12 Plaintiff,

13 vs.

14 JOHN RICH, an individual and DOES 1-10,  
15 inclusive.

16 Defendants.  
17

CASE NO.

COMPLAINT FOR:

ASSAULT AND BATTERY

DEMAND FOR JURY TRIAL

18  
19 Plaintiff Jerry L. Montano alleges the following causes of action against Defendant John  
20 Rich and Does 1 through 10:  
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22 COMMON ALLEGATIONS  
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24 1. Self-proclaimed "Muzik Mafioso" John Rich, one half of the country music duo  
25 "Big & Rich," frustrated over not being provided with the appropriate female companionship,  
26 decided to put his songs "Kick My Ass" and "Wild West Show" to reality by brutally attacking  
27 and punching fellow musician Jerry Montano in the face, causing severe injuries, including  
28

1 permanent scarring, to Montano's face, lips, jaw, and nose. The fight, Rich's second altercation  
2 in forty-eight hours, occurred in the early morning hours of Friday, October 17, 2008, at the  
3 Mondrian Hotel, West Hollywood, California. Moments before this unwarranted attack, Rich  
4 became belligerent when the woman he was talking to in his hotel room made it clear to him that  
5 she was not interested in him physically. Rich responded by throwing a drinking glass at  
6 Montano, nearly striking him in the face. As Montano walked towards the hotel room door to  
7 escape Rich's wrath, Rich ran up to and bludgeoned Montano in the face with his fist, ring, and  
8 another drinking glass. Blood immediately gushed from Montano's cheek, lips, and nose and he  
9 was quickly escorted out of the room by his two friends.

10       2. This case is brought to address a pattern of violent behavior and acts committed  
11 by Rich; to compensate Montano for injuries suffered as a result of Rich's conduct; and to punish  
12 Rich for his pattern of violent behavior.

13       3. At all relevant times, Plaintiff Jerry Montano ("Montano") has been an individual  
14 residing in Los Angeles County, California. He is a respected musician who has played for  
15 numerous rock and roll and heavy metal bands.

16       4. Montano is informed and believes, and on this basis alleges, that at all relevant  
17 times, Defendant John Rich ("Rich") is an individual residing in Davidson County, Tennessee.  
18 Rich is a famous country western singer-songwriter and acclaimed music producer for the group  
19 "Big & Rich." Rich is also a judge on the television show "Nashville Star." Montano is  
20 informed and believes, and on this basis alleges, that Rich frequently travels to Los Angeles,  
21 California to discuss business with the producers of "Nashville Star."

22       5. The true names and/or capacities, whether individual, corporate, associate or  
23 otherwise, of defendants Does 1 through 10, inclusive, and each of them, are unknown to  
24 Montano, who therefore sue said defendants by such fictitious names. Montano is informed and  
25 believes and thereupon alleges that each of the defendants fictitiously named herein as a Does is  
26 legally responsible, negligently or in some other actionable manner, for the events and  
27 happenings hereinafter referred to, and thereby proximately caused the injuries and damages to  
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1 Montano as hereinafter alleged. Montano will seek leave of court to amend this Complaint and  
2 state the true names and/or capacities of said fictitiously named defendants when the same have  
3 been ascertained.

4 6. Montano is informed and believes and thereupon alleges that at all times  
5 mentioned herein, defendants, and each of them, including Does 1 through 10, inclusive, were  
6 the agents, servants, employees and/or joint venturers of their codefendants, and each was, as  
7 such, acting within the course, scope and authority of said agency, employment and/or venture,  
8 and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the  
9 selection and hiring of each and every other defendant as an agent, employee and/or joint  
10 venturer.

11 7. Jurisdiction and venue for this action in the County of Los Angeles are proper in  
12 that the assault and battery committed by Rich on Montano occurred in the County of Los  
13 Angeles, State of California, and Montano is a resident of the County of Los Angeles.

14 8. Montano first met Rich on or about the evening of October 16, 2008, at the  
15 "Rainbow" bar on Sunset Boulevard in Hollywood, California. Montano approached Rich and  
16 told him he was a long time fan of his music. Being fellow musicians, Rich and Montano  
17 instantly hit it off and spent the next several hours at the bar talking about life and the Los  
18 Angeles music scene.

19 9. During their conversation, Rich informed Montano that he was in a fight the night  
20 before. Bragging, he showed Montano a cut he received on his ear from the fight. Rich's  
21 business manager, "Charlie P" was at the bar as well. He informed Montano that Rich often  
22 became extremely violent when he got drunk, and that Rich frequently got kicked out of bars in  
23 his home town of Nashville.

24 10. As the night wore on and Rich began to drink more alcohol, his behavior  
25 dramatically changed. He became loud and belligerent. He continued to brag about getting into  
26 the fist fight the night before, he cursed the Los Angeles music scene, and attempted to pick  
27  
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1 fights with several patrons of the Rainbow, including a group of patrons whom he passed in the  
2 bar's parking lot as he was leaving.

3 11. In an attempt to save Rich from further embarrassment and physical harm,  
4 Montano directed Rich away from the patrons who were angered by Rich's behavior and who  
5 made remarks that they wanted to fight him. Knowing some of these angered patrons, Montano  
6 asked them to back away from Rich because Rich was his friend. As Montano escorted Rich and  
7 Charlie P into their car, Rich invited Montano and one of his friends back to Rich's hotel for  
8 drinks.

9 12. Montano and his friend accompanied Rich and Charlie P to Rich's room at the  
10 Mondrian Hotel. Once they entered the hotel room, Rich immediately asked Montano and his  
11 friend to call some of their female friends to come "party" and spend time with Rich in his hotel  
12 room. Rich's friend made several telephone calls to some of his female friends and was able to  
13 get one female friend, also a friend of Montano, to come to the hotel room and meet Rich.  
14 Montano informed Rich that he did not know any females to call and have come over. In  
15 response, Rich began cursing at Montano and making fun of him. Rich stated that if Montano  
16 was in Nashville, Rich would be able to call several girls to come to his room.

17 13. Once Montano's female friend arrived, she spent approximately one hour on the  
18 hotel room couch with Rich attempting to engage him in conversation. As the night wore on and  
19 Rich realized the female was only interested in talking to him and nothing else, his behavior  
20 became increasingly violent and belligerent. Then, without warning, Rich quickly stood up from  
21 the couch and told Montano, his friend, and the female friend to leave his room immediately.  
22 Rich followed this demand by throwing his drinking glass at Montano with the intention of  
23 hitting him. The glass barely missed hitting the frightened Montano in the face.

24 14. Montano and his two friends immediately backed away from Rich in an attempt to  
25 escape his wrath and moved towards the hotel room door to exit. As the three of them were  
26 leaving, Rich ran up to Montano in a threatening manner and punched him in the face with his  
27 hand, ring, and drinking glass.

28

1 15. As Rich's fist hit Montano's face, the glass and Rich's ring smashed against  
2 Montano's nose, cheek, and lip, causing Montano to bleed profusely. Stunned, Montano quickly  
3 exited the room with his friends and sought immediate medical assistance.  
4

5 **FIRST CAUSE OF ACTION**

6 **For Battery**

7 (Montano Against Rich and Does 1-10)

8 16. Montano refers to and incorporates by reference paragraphs 1 through 15,  
9 inclusive of the Common Allegations as though fully set forth herein.

10 17. On Friday morning, October 17, 2008, Rich committed battery against Montano  
11 by punching him in the face with his fist, ring, and a glass drinking glass.

12 18. Rich intended to inflict and did inflict great bodily harm to Montano's person.

13 19. As a direct and proximate result of Rich's conduct, Montano suffered physical  
14 injuries to his body in the form of cuts, scrapes, permanent scarring, swelling, and bruising to his  
15 lips, jaw, face, teeth, and nose. Plaintiff has also suffered extreme mental anguish and physical  
16 pain. These injuries have caused Montano to suffer general damages in an amount to be  
17 determined at trial and within the jurisdictional minimum of this court.

18 20. As a direct and proximate result of the acts committed by Rich as alleged above,  
19 Montano was hurt and injured in his health, strength, and activity, sustaining injury to his  
20 nervous system and person, and has permanent scarring, all of which have caused, and continue  
21 to cause, plaintiff great mental, physical, and nervous pain and suffering. As a result of these  
22 injuries, Montano has suffered general damages.

23 21. As a further proximate result of Rich's acts, Montano has been damaged in that he  
24 has been required to expend money and incur obligations for medical services, drugs, and  
25 sundries reasonably required in the treatment and relief of the injuries herein alleged.

26 22. As a direct and proximate result Rich's conduct, Montano was required to obtain  
27 medical services and treatment in an amount still to be determined as Montano will, in the future,  
28

1 be compelled to incur additional obligations for medical treatment in an amount to be determined  
2 at trial.

3 23. Rich's acts described above were done knowingly, willfully, and with malicious  
4 intent, to oppress and cause injury to Montano. Montano is therefore entitled to punitive  
5 damages in an amount to be determined by proof at trial.

6  
7 **SECOND CAUSE OF ACTION**

8 **For Assault**

9 (Montano Against Rich and Does 1-10)

10 24. Montano refers to and incorporates by reference paragraphs 1 through 23,  
11 inclusive of the Common Allegations as though fully set forth herein.

12 25. Rich intended to cause and did cause Montano to suffer apprehension of an  
13 immediate harmful contact.

14 26. Montano believed and was in apprehension at the time when Rich made verbal  
15 threats to him, throw the drinking glass at him, and punched him in the face with his fist, ring,  
16 and drinking glass.

17 27. As a direct, foreseeable and proximate result of the foregoing conduct by Rich,  
18 Montano has suffered damages in an amount to be determined at trial and within the  
19 jurisdictional minimum of this court.

20 28. Rich's acts described above were done knowingly, willfully, and with malicious  
21 intent, to oppress and cause injury to Montano. Montano is therefore entitled to punitive  
22 damages in an amount to be determined by proof at trial.

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1 WHEREFORE, Montano prays for judgment against Rich and Does 1 through 10, as  
2 follows:

3 On the First Cause of Action

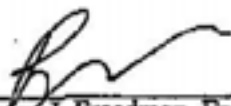
- 4 1. For general damages in an amount according to proof;
- 5 2. For special damages in an amount according to proof;
- 6 3. For hospital, medical, and incidental expenses, according to proof;
- 7 4. For prejudgment interest, according to proof;
- 8 5. For punitive damages related thereto, according to proof;
- 9 6. For costs of suit incurred herein; and
- 10 7. For such other and further relief as the Court may deem just and proper.

11  
12 On the Second Cause of Action

- 13 1. For general damages in an amount according to proof;
- 14 2. For special damages in an amount according to proof;
- 15 3. For hospital, medical, and incidental expenses, according to proof;
- 16 4. For prejudgment interest, according to proof;
- 17 5. For punitive damages related thereto, according to proof;
- 18 6. For costs of suit incurred herein; and
- 19 7. For such other and further relief as the Court may deem just and proper.

20  
21 Dated: November 10, 2008

FREEDMAN & TAITELMAN, LLP

22  
23 By:   
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25 Brian E. Turnauer, Esq.  
26 Attorneys for Plaintiff JERRY L.  
27 MONTANO  
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