

**SUMMONS
(CITACION JUDICIAL)**

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

JOSEPH R. FRANCIS, an individual; and DOES 1 to 10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JAYDE NICOLE, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court
SEP 24 2009
John A. Clarke, Executive Officer/Clerk
[Signature]
BY MARY GARCIA, Deputy

Ronald Richards & Associates

NOTICE! You have been sued. The court has a lien against you until you do not hear the case. You must respond within 30 days. Read the information below.

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. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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.sucorte.ca.gov), 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.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

111 N. Hill Street
Los Angeles, CA 90213

Ronald Richards & Associates

CASE NUMBER:
(Número del Caso)

BC 422403

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):

Ronald Richards, Esq. PO Box 11480, Beverly Hills, CA 90213

DATE: 09/24/2009

(Fecha)

JOHN A. CLARKE, CLERK

Clerk (Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons, (POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

M. GARCIA

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- 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):
- by personal delivery on (date):

1 Ronald Richards, Esq. (SBN 176246)
Nicholas Bravo, Esq. (SBN 264299)
2 **THE LAW OFFICES OF**
RONALD RICHARDS & ASSOCIATES, A.P.C.
3 P.O. Box 11480
Beverly Hills, CA 90213
4 Telephone (310) 556-1001
Facsimile (310) 277-3325

5 Attorneys for Plaintiff,
6 Jayde Nicole

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
SEP 24 2003

7 **Ronald Richards & Associates**
John A. Clarke, Executive Officer/Clerk
BY *MARY GARCIA*, Deputy
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
9 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

10
11 JAYDE NICOLE, an individual
12 Plaintiff,

13 vs.

14
15 JOSEPH R. FRANCIS, an individual; and
DOES 1-10, inclusive,
16 Defendants.

CASE NO. **BC 422403**

FOR DAMAGES FOR

(1) ASSAULT;
(2) BATTERY;
(3) NEGLIGENCE;
(4) NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS;
(5) INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS.

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18
19 **Ronald Richards & Associates**
DEMAND FOR JURY TRIAL

20 Plaintiff JAYDE NICOLE complains and alleges as follows:

- 21 1. Plaintiff JAYDE NICOLE, herein after referred to as "NICOLE", is, and at all times
22 herein mentioned was, an individual and a resident of the State of California.
23 2. Plaintiff is informed and believes, and on that basis alleges, that defendant JOSEPH R.
24 FRANCIS, herein after referred to as "FRANCIS", is, and at all times herein mentioned
25 was, an individual and a resident of the State of California
26 3. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them,
27 and all, were responsible for the events and happenings referred herein and directly and/or
28

proximately caused damage to Plaintiff as herein alleged.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants named herein as DOES 1 through 10, inclusive, are unknown to plaintiff at this time, who therefore sues said defendants by such fictitious names. Plaintiff is informed and believes and therefore allege that each of the defendants designated herein by fictitious name is in some manner responsible for the events and happenings herein referred to, and caused damage proximately and foreseeably thereby to Plaintiff as hereinafter alleged. Plaintiff asks leave of the Court to amend this Complaint when the true names and capacities have been ascertained.

GENERAL FACTS

5. On or about August 28, 2009, Plaintiff was on the premises of "Guys & Dolls" Nightclub in West Hollywood, CA., when without cause, defendant FRANCIS intentionally, and with reckless disregard for NICOLE's physical and emotional well-being, physically attacked NICOLE.
6. In an intoxicated and uncontrollable rage, defendant FRANCIS, who weighs over 200 lbs., physically attacked Plaintiff NICOLE, approximately 115 lbs., by pulling on her hair from behind to gain maximum control over her person and then violently shoving and/or throwing her to the ground of the nightclub like a rag-doll causing injuries to Plaintiff NICOLE'S person.
7. In addition, FRANCIS is a convicted felon with a lengthy criminal record that includes violations of 18 U.S.C. § 2257(f)(1), failure to maintain records, 18 U.S.C. § 401, criminal contempt, Fl. Stat. Ann § 827.03(1)(c), felony Child Abuse, Fl.Stat. Ann § 796.07(2)(f), Prostitution. In addition, he has recently executed a plea agreement to which he agreed to plead guilty to filing a fraudulent tax return and bribery and in fact plead guilty to those charges on September 23, 2009. He is expected to be sentenced November 6, 2009.
8. As expected or should have been expected by Defendant FRANCIS, as a result of the violent outburst and much to the chagrin of defendant FRANCIS, the crowd inside of the

1 nightclub became excited and enraged by what they were witnessing. In an effort by the
2 crowd to gain a glimpse of soft-porn smut series, "Girl's Gone Wild" owner/creator
3 FRANCIS engaged in a no-holds-barred attack on a helpless and defenseless woman,
4 NICOLE began to be trampled by uninterested person/ patrons of the nightclub
5 attempting to get as close as possible to what was taking place, whereby Plaintiff
6 NICOLE sustained severe and painful additional injuries to her person and psyche as a
7 direct and proximate result of FRANCIS pulling her hair.

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- 8 9. As a direct and proximate result of the attack by defendant FRANCIS, NICOLE suffered
9 injuries, including but not limited to, black-eye, swollen face, bruised ribs, sore and
10 bruised abdomen region, bruised arms and legs, ripped-out hair, and utter emotional
11 distress and humiliation.
- 12 10. Guys and Doll's surveillance system clearly shows the attack upon Ms. NICOLE,
13 specifically, the footage shows FRANCIS charge towards NICOLE and pull her hair to
14 the ground causing the injuries set forth above.
- 15 11. WHEREFORE, Plaintiff NICOLE demands judgment as set forth below.

16 **FIRST CAUSE OF ACTION**

17 **(ASSAULT against defendant "FRANCIS" and DOES 1 through 10, inclusive)**

- 18 12. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
19 contained in paragraphs 1 through 11 of this Complaint as set forth.
- 20 13. In doing the acts as alleged above, Defendant/plaintiff intended to cause or to place
21 Plaintiff in apprehension of a harmful and offensive contact with Plaintiff's person.
- 22 14. As a result of Defendants' acts as alleged above, Plaintiff, in fact, was placed in great
23 apprehension of a harmful and offensive contact with Plaintiff's person.
- 24 15. As a proximate result of the acts of Defendant as alleged, NICOLE was hurt and injured
25 in her health, strength, and activity, sustaining injury to his nervous system and person, all
26 of which have caused, and continue to cause NICOLE great mental, physical, and nervous
27 pain and suffering. Plaintiff is informed and believes and thereon alleges that these
28 injuries will result in some permanent disability to her. As a result of these injuries,

1 Plaintiff has suffered general damages.

2 16. As a further proximate result of the acts of Defendant, Plaintiff has incurred, and will
3 continue to incur, medical and related expenses. The full amount of these expenses is not
4 known to NICOLE at this time.

5 17. As a further direct and legal result of the negligence of defendants, and each of them,
6 NICOLE's earning capacity has been and will be greatly impaired, both in the past and
7 present in an amount not fully proven.

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8 18. The aforementioned conduct of Defendant FRANCIS was willful and malicious and was
9 intended to oppress and cause injury to NICOLE. Plaintiff is therefore entitled to an
10 award of punitive damages.

SECOND CAUSE OF ACTION

(BATTERY against defendant "FRANCIS" and DOES 1 through 10, inclusive)

12 19. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
13 contained in paragraphs 1 through 18 herein as though fully set forth.

14 20. In doing the acts as alleged above, defendant FRANCIS acted with the intent to make a
15 contact with Plaintiff NICOLE's person.

16 21. In doing the acts alleged above, the defendant made offensive and harmful contact with
17 Plaintiff.

18 22. As a proximate result of the acts of the defendant as alleged, NICOLE was hurt and
19 injured in her health, strength, and activity, sustaining injury to her person, all of which
20 have caused, and continue to cause, Plaintiff great mental, physical, and nervous pain and
21 suffering and humiliation. Plaintiff is informed and believes and thereon alleges that
22 these injuries will result in some permanent disability to her. As a result of these injuries,
23 Plaintiff NICOLE has suffered general damages.

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24 23. As a further proximate result of the acts of Defendant FRANCIS, Plaintiff has incurred,
25 and will continue to incur, medical and related expenses. The full amount of these
26 expenses is not known to Plaintiff at this time.

27 24. As a further direct and legal result of the negligence of defendants, and each of them,
28

1 Plaintiff's earning capacity has been and will be greatly impaired, both in the past and
2 present in an amount according to proof.

3 25. The aforementioned conduct of Defendant was willful and malicious and was intended to
4 oppress and cause injury to Plaintiff. Plaintiff is therefore entitled to an award of punitive
5 damages.

6 **THIRD CAUSE OF ACTION**

7 **(NEGLIGENCE against defendant "FRANCIS" and DOES 1 through 10, inclusive)**

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8 26. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
9 contained in paragraphs 1 through 25 herein as though fully set forth.

10 27. Defendant owed a duty to exercise reasonable care to prevent any emotional or physical
11 harm to Plaintiff. Plaintiff breached his duty to exercise reasonable care when he took the
12 actions as alleged above.

13 28. As a proximate result of the acts of Defendant as alleged, Plaintiff was hurt and injured in
14 her health, strength, and activity, sustaining injury to her person, all of which have
15 caused, and continue to cause, Plaintiff great mental, physical, and nervous pain and
16 suffering. Plaintiff is informed and believes and thereon alleges that these injuries will
17 result in some permanent disability to her. As a result of these injuries, Plaintiff has
18 suffered general damages.

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19 29. As a further proximate result of the acts of Defendant, Plaintiff has incurred, and will
20 continue to incur, medical and related expenses. The full amount of these expenses is not
21 known to Plaintiff at this time.

22 30. As a further direct and legal result of the negligence of defendants, and each of them,
23 NICOLE's earning capacity has been and will be greatly impaired, both in the past and
24 present in an amount according to proof.

25 **FOURTH CAUSE OF ACTION**

26 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS against defendant**

"FRANCIS" and DOES 1 through 10, inclusive)

27 31. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
28

1 contained in paragraphs 1 through 30 herein as though fully set forth.

2 32. The actions of Defendant FRANCIS were outrageous and intentional and done with
3 malice and reckless disregard for the likelihood of causing the Plaintiff to suffer severe
4 emotional distress.

5 33. As a proximate result of the aforementioned outrageous acts of the defendants, the
6 Plaintiff NICOLE has suffered emotional and physical anguish and humiliation.

7 34. As a proximate result of the aforementioned outrageous acts of the defendant, Plaintiff
8 has suffered general and special damages.

9 **FIFTH CAUSE OF ACTION**

10 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS against defendant**
11 **“FRANCIS” and DOES 1 through 10, inclusive)**

12 35. Plaintiff re-alleges and incorporates herein by this reference each and every allegation
13 contained in paragraphs 1 through 34 herein as though fully set forth.

14 36. The actions of Defendant FRANCIS were outrageous and intentional and done with
15 malice and reckless disregard for the likelihood of causing the Plaintiff to suffer severe
16 emotional distress.

17 37. As a proximate result of the aforementioned outrageous acts of the defendants, the
18 Plaintiff NICOLE has suffered emotional and physical anguish and humiliation.

19 38. As a proximate result of the aforementioned outrageous acts of the defendant, Plaintiff
20 has suffered general and special damages

21 39. In doing the acts herein alleged, Defendants acted knowingly, intentionally and
22 maliciously and the Plaintiff is entitled to punitive damages.

23 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as
24 hereinafter set forth below.

25 **ON THE FIRST CAUSE OF ACTION:**

- 26 1. For general damages in the amount of \$1,000,000;
27 2. For punitive damages according to proof;

28 **ON THE SECOND CAUSE OF ACTION**

1 3. For general damages in the amount of \$1,000,000;

2 **ON THE THIRD CAUSE OF ACTION**

3 4. For general damages in the amount of \$1,000,000;

4 **ON THE FOURTH CAUSE OF ACTION**

5 5. For general damages in the amount of \$1,000,000;

6 **ON THE FIFTH CAUSE OF ACTION**

7 6. For general damages in the amount of \$1,000,000;

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8 7. For punitive damages according to proof.

9 **ON ALL CAUSES OF ACTION:**

10 6. Costs of suit;

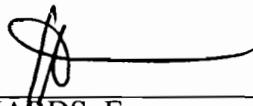
11 8. Attorneys fees

12 9. For such other and further relief this Court deems just and proper under
13 the circumstances.

14 September 23, 2009

Respectfully submitted,

15 LAW OFFICES OF
16 RONALD RICHARDS & ASSOCIATES, A.P.C.

17 By: 
18 _____
19 RONALD RICHARDS, Esq.
20 NICHOLAS BRAVO, Esq.
21 Attorneys at Law
22 JAYDE NICOLE

Ronald Richards & Associates