

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TONY PARKER,

Plaintiff,

-against-

W.i.P. CLUB, INC., BARRY MULLINEAUX,
COLLECTIVE HARDWARE INC., JOHN BAKHSHI,
LINA KAY, HIRUKUNI SAI, JOHN C. BEST,
FRANK PORCO, MERLIN B. WILLIS,
150 RFT VARICK CORP., 150 RFT VARICK
BASEMENT LLC and W. & M. OPERATING, L.L.C.,

Defendants.

Index No.
Date Purchased
Plaintiff(s) designate(s)
NEW YORK
County as the place of trial.

The basis of venue is
defendants' address

SUMMONS
Plaintiff(s)' address:
Boerne, Texas

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney(s) within **twenty** days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: New York, New York
June 21, 2012

JAROSLAWICZ & JAROS, LLC
Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780
davidjaroslawicz@yahoo.com

By: _____

David Jaroslawicz

Defendant(s) address(es):

W.i.P. CLUB, INC.,
BARRY MULLINEAUX
COLLECTIVE HARDWARE INC.
JOHN BAKHSHI
LINA KAY
HIRUKUNI SAI
JOHN C. BEST
FRANK PORCO
MERLIN B. WILLIS
150 RFT VARICK CORP.
150 RFT VARICK BASEMENT LLC
150 Varick Street
New York, New York 10013

W. & M. OPERATING, L.L.C.
42-12 28th Street
Long Island City, New York 11101

The image shows the TMZ logo in a large, light gray, sans-serif font. The letters are bold and stylized, with the 'T' having a horizontal bar that extends to the left. The 'M' and 'Z' are also bold and have a slightly rounded, modern feel.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TONY PARKER,

Index No.

Plaintiff,

VERIFIED COMPLAINT

-against-

W.i.P. CLUB, INC., BARRY MULLINEAUX,
COLLECTIVE HARDWARE INC., JOHN BAKHSHI,
LINA KAY, HIRUKUNI SAI, JOHN C. BEST,
FRANK PORCO, MERLIN B. WILLIS,
150 RFT VARICK CORP., 150 RFT VARICK
BASEMENT LLC and W. & M. OPERATING, L.L.C.,

Defendants.

Plaintiff, by his attorneys, Jaroslawicz & Jaros, complaining of the defendants, upon information and belief, alleges as follows:

THE PARTIES

1. At all times hereinafter mentioned, plaintiff is a resident of the State of Texas.
2. At all times hereinafter mentioned, plaintiff is well-known basketball player who plays for the San Antonio Spurs.
3. At all times hereinafter mentioned, upon information and belief, W.i.P. Club Inc. ("W.i.P.") is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.
4. At all times hereinafter mentioned, defendant W.i.P. is a club located at 150 Varick Street, New York, New York.

5. Upon information and belief W.i.P. stands for "Work in Progress."

6. At all times hereinafter mentioned, the defendant Barry Mullineaux ("Mullineaux") is believed to be the principal operator of a club known as Greenhouse.

7. Upon information and belief W.i.P. is believed to be located in the basement of Greenhouse.

8. At all times hereinafter mentioned, upon information and belief defendant Collective Hardware Inc. is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

9. At all times hereinafter mentioned, defendant Collective Hardware Inc. is believed to be a group that together with Mullineaux operates W.i.P.

10. At all times hereinafter mentioned, defendant John Bakhshi ("Bakhshi") operates Greenhouse and W.i.P.

11. At all times hereinafter mentioned, defendant Lina Kay ("Kay") operates Greenhouse and W.i.P.

12. At all times hereinafter mentioned, defendant Hirukuni Sai ("Sai") operates Greenhouse and W.i.P.

13. At all times hereinafter mentioned, defendant John C. Best ("Best") operates Greenhouse and W.i.P.

14. At all times hereinafter mentioned, defendant Frank Porco ("Porco") operates Greenhouse and W.i.P.

15. At all times hereinafter mentioned, defendant Merlin B. Willis (“Willis”) operates Greenhouse and W.i.P.

16. At all times hereinafter mentioned, defendant 150 RFT Varick Corp. is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

17. At all times hereinafter mentioned, defendant 150 RFT Varick Corp. operates Greenhouse and W.i.P.

18. At all times hereinafter mentioned, defendant 150 RFT Varick Basement LLC is a domestic limited liability company, duly organized and existing under and by virtue of the laws of the State of New York.

19. At all times hereinafter mentioned, defendant 150 RFT Varick Basement LLC operates Greenhouse and W.i.P.

20. At all times hereinafter mentioned, defendant W. & M. Operating, L.L.C. is a domestic limited liability company, duly organized and existing under and by virtue of the laws of the State of New York.

21. At all times hereinafter mentioned, defendant W. & M. Operating, L.L.C. owned the premises known as 150 Varick Street, New York, New York.

22. At all times hereinafter mentioned, defendant W. & M. Operating, L.L.C. operated the aforementioned premises.

23. At all times hereinafter mentioned, defendant W. & M. Operating, L.L.C. maintained the aforementioned premises.

24. At all times hereinafter mentioned, defendant W. & M. Operating, L.L.C. operated Greenhouse and W.i.P.

THE UNDERLYING FACTS

25. Defendant Mullineaux together with Bakhshi, Kay, Sai, Best, Porco and Willis, have created a confusing conglomerate of different names to operate the Greenhouse and W.i.P. clubs.

26. As can be seen, Mullineaux and his associates, the individual defendants named herein, have created an intricate web of corporations and limited liability companies in order to conceal the identity of the owners and operators of the Greenhouse and W.i.P. clubs.

27. The premises at 150 Varick Street which house Greenhouse and W.i.P. have become a nuisance and a public nuisance, which is known to all of the defendants, which is believed to be the reason they have created this intricate web of entities.

28. The defendants also knew that there was criminal and other improper activity taking place inside as well as outside of the clubs; there had been numerous calls to the police; there had been violent incidents at the clubs; upon information defendants had been denied a liquor license due to the violent incidents and lack of security at both the Greenhouse and W.i.P. clubs.

29. It is believed that W.i.P. is specifically located in the basement of Greenhouse so as to be able to obtain a liquor license as an additional bar because it could not obtain a liquor license on its own .

30. On or about the night of June 14-15, 2012, there was an altercation at W.i.P.

31. According to the media reports, there was present at the club that night an entertainer named Drake ("Drake").

32. According to the media reports there was also present at the club that night an entertainer named Chris Brown ("Brown").

33. Upon information and belief, both Brown and Drake have dated the same woman.

34. According to the media, there was known bad blood between Drake and Brown.

35. Apparently Drake and Brown were each accompanied by an entourage at the club.

36. According to the media, at some point Drake's entourage and Brown's entourage entered into an altercation involving bottle throwing, possible gunshots, and a general melee.

37. Plaintiff was present at the club that night, sitting at a separate table, apart from Drake and Brown.

38. As a result of the altercation at the club that night, plaintiff was caused to suffer severe personal injuries.

AS AND FOR A FIRST CAUSE OF ACTION

39. The defendants were reckless, careless and negligent in permitting Drake's entourage and Brown's entourage to be in the club at the same time despite known tension

between the two; in failing to adequately secure the premises; in failing to adequately supervise the premises; in failing to have sufficient and efficient security; in failing to contact the police in a timely manner; in seeking to cover up what occurred; in creating a trap, hazard and a nuisance; in failing to properly monitor activity at the club; in violating the applicable laws, rules and regulations; and defendants were otherwise reckless, careless and negligent.

40. As a result of the defendants' negligence plaintiff was caused to be injured and to suffer a corneal laceration of the left eye and other injuries; unable to attend to his usual duties and vocation; incurred various expenses and other special damages; and plaintiff has been otherwise damaged, all of which damages are continuing into the future.

41. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

42. By reason of the foregoing, plaintiff is entitled to recover all of his damages in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000).

AS AND FOR A SECOND CAUSE OF ACTION

43. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

44. The defendants maintained a nuisance and a public nuisance by having a club without adequate supervision and security; in sitting persons known to be hostile to each other at the same time in order to generate funds for themselves; in creating a public nuisance; in knowing that there had previously been violent incidents at the club and

immediately outside the club and not providing adequate security; in serving liquor to intoxicated persons after they were obviously intoxicated; in violating applicable laws, rules and regulations; and defendants otherwise created and maintained a public nuisance.

45. As a result of the defendants' conduct, plaintiff was caused to be damaged as set forth above.

46. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

47. By reason of the foregoing, plaintiff is entitled to recover actual and punitive damages in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000).

AS AND FOR A THIRD CAUSE OF ACTION

48. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

49. The defendants' conduct in providing intoxicated persons who were visibly intoxicated with alcoholic beverages, and not caring whether or not they were intoxicated but continuing to provide them with alcoholic beverages, was a contributing cause of the altercation and plaintiff's injuries and damages.

50. By reason of the foregoing, defendants violated §11-101 of the General Obligations Law of the State of New York, and §65 of Alcoholic Beverage Control Law.

51. As a result of the defendants' conduct, plaintiff has been damaged as set forth above.

52. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

53. By reason of the foregoing, plaintiff is entitled to recover actual and punitive damages in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000).

WHEREFORE, plaintiff demands judgment against the defendant, to recover for all of her damages, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS, LLC
Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By: _____

David Jaroslawicz

DAVID JAROSLAWICZ, a member of the firm of JAROSLAWICZ & JAROS, attorneys for the plaintiff(s) in the within action, duly admitted to practice in the Courts of the State of New York, affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2016 of the CPLR:

That he has read the foregoing **Complaint** and knows the contents thereof; that the same is true to his own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

Affiant further states that the source of his information and the grounds of his belief are derived from the file maintained in the normal course of business of the attorneys for the plaintiff(s).

Affiant further states that the reason this affirmation is not made by the plaintiff(s) is that at the time this document was being prepared, the plaintiff(s) was (were) not within the County of New York, which is the County where the attorney for the plaintiff(s) herein maintains his office.

Dated: New York, New York
 June 21, 2012



DAVID JAROSLAWICZ

Index No.
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COUNTY OF NEW YORK

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Plaintiff,

-against-

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FRANK PORCO, MERLIN B. WILLIS,
150 RFT VARICK CORP., 150 RFT VARICK
BASEMENT LLC and W. & M. OPERATING, L.L.C.,

Defendants.

Summons & Verified Complaint

LAW OFFICES OF
JAROSLAWICZ & JAROS LLC
225 BROADWAY, 24TH FLOOR
NEW YORK, NEW YORK 10007
(212) 227-2780
