

1 **LAW OFFICES OF PERRY C. WANDER**

2 Perry Wander, Esq. [REDACTED]

3 [REDACTED]

4 Beverly Hills, CA 90212

5 Telephone: [REDACTED]

6 Facsimile: [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Attorney for Plaintiff Jennifer Jarosik

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 JENNIFER JAROSIK, an individual,

13 Plaintiff,

14 vs.

15 RUSSELL WENDELL SIMMONS, an  
16 individual,

17 Defendant.

18 **Case No.**

19 **COMPLAINT FOR DAMAGES FOR**

20 **1. SEXUAL ASSAULT AND  
21 BATTERY**

22 **2. INTENTIONAL INFLECTION OF  
23 EMOTIONAL DISTRESS**

24 **3. NEGLIGENT INFLECTION OF  
25 EMOTIONAL DISTRESS**









1           25. As further legal result of the acts and omissions of the Defendants, and  
2 each of the, plaintiff has been forced to incur expenses for medical care and  
3 depression medication, during the period of Plaintiff's disability, and is informed  
4 and believes, and thereon alleges, that Plaintiff will in the future be forced to incur  
5 additional expenses of the same nature. Expenses are in an amount which is at  
6 present, unknown. Plaintiff will pray leave of court to show the exact amount of  
7 said expenses at the time of trial.

8           26. Prior to the occurrence of the incidents, Plaintiff was an able-bodied  
9 individual, but since said incidents, plaintiff has bene unable to engage fully in her  
10 occupation, and is informed and believes, and thereon alleges, that plaintiff will be  
11 incapacitated and unable to perform her usual work for an indefinite period of time  
12 in the future, all to Plaintiff's damage in an amount which is at present  
13 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
14 earnings at the time of trial.

15           27. As a further direct and legal result of the acts and conduct of  
16 Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to  
17 suffer severe and permanent emotional and mental distress and anguish, humiliation,  
18 embarrassment, fright, discomfort, anxiety and depression. The exact nature and  
19 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court  
20 to assert the same when they are ascertained.

21           28. The aforementioned acts of Defendants, and each of them, were willful,  
22 wanton, malicious, intentional, oppressive and despicable and were done in willful  
23 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby  
24 justifying the awarding of punitive and exemplary damages of \$5,000,000.

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1 additional expenses of the same nature. Expenses are in an amount which is at  
2 present, unknown. Plaintiff will pray leave of court to show the exact amount of  
3 said expenses at the time of trial.

4 34. Prior to the occurrence of the incidents, Plaintiff was an able-bodied  
5 individual, but since said incidents, plaintiff has bene unable to engage fully in her  
6 occupation, and is informed and believes, and thereon alleges, that plaintiff will be  
7 incapacitated and unable to perform her usual work for an indefinite period of time  
8 in the future, all to Plaintiff's damage in an amount which is at present  
9 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
10 earnings at the time of trial.

11 35. As a further direct and legal result of the acts and conduct of  
12 Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to  
13 suffer severe and permanent emotional and mental distress and anguish, humiliation,  
14 embarrassment, fright, discomfort, anxiety and depression. The exact nature and  
15 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court  
16 to assert the same when they are ascertained.

17 36. Plaintiff has been generally damaged in an amount within the  
18 jurisdictional limits of this court.

19 37. The aforementioned acts of Defendants, and each of them, were willful,  
20 wanton, malicious, intentional, oppressive and despicable and were done in willful  
21 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby  
22 justifying the awarding of punitive and exemplary damages of \$5,000,000.  
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1 **THIRD CAUSE OF ACTION**

2 **(Negligent Infliction of Emotional Distress)**

3 38. Plaintiff hereby incorporates by reference the allegations contained in the  
4 foregoing paragraphs as if fully set forth herein.

5 39. Defendant knew or reasonably should have known that the conduct  
6 described herein would and did proximately result in emotional distress to Plaintiff.

7 40. At all relevant times, the Defendant, had the power, ability, authority, and  
8 duty to stop engaging in the conduct described herein and/or to intervene to prevent  
9 or prohibit said conduct.

10 41. Despite said knowledge, power, and duty, Defendant negligently failed to  
11 act so as to stop engaging in the conduct described herein and/or to prevent or prohibit  
12 such conduct or otherwise protect Plaintiff from foreseeable injury. To the extent that  
13 said negligent conduct was perpetrated by the Defendant, which was confirmed and  
14 ratified with the knowledge that Plaintiff's emotional distress would thereby increase,  
15 and with a wanton and reckless disregard for the deleterious consequences to Plaintiff.

16 42. As a direct and proximate result of Defendant's unlawful conduct,  
17 Plaintiff has suffered and continues to suffer serious emotional distress, anguish,  
18 emotional injuries, as well as economic harm, all to her damage in amounts to be  
19 proven at trial.

20 43. As a direct and legal result of the acts and omissions of Defendants, and  
21 each of them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both  
22 internally and externally, and suffered, among other things, numerous internal  
23 injuries, sever fright, shock, pain, discomfort and anxiety. The exact nature and  
24 extent of said injuries are not known to the plaintiff, who will pray leave of court to  
25 insert the same when they are ascertained. Plaintiff does not at this time know the  
26 exact duration of permanence of said injuries, but is informed and believes, and  
27 thereon alleges, that some of the said injuries are reasonably certain to be permanent  
in character.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Jarosik, on behalf of herself individually, demands judgment as follows:

- a. For general damages, according to proof at trial;
- b. For special damages, according to proof at trial;
- c. For exemplary or punitive damages against Defendants for their oppressive, fraudulent, and malicious conduct in the sum of \$5,000,000;
- d. Pre-judgment and post-judgment interest at the maximum rate allowable at law;
- e. The costs and disbursements incurred by Plaintiff in connection with this action, including reasonable attorneys' fees and costs of suit; and
- f. Such other and further relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

Plaintiff Jarosik, hereby demands a trial by jury.

Dated: January 24, 2018

*Perry Wander*  
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**Law Offices of Perry C. Wander**  
Perry C. Wander, Esq.  
Attorney for Plaintiff Jennifer Jarosik

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