

1 PATRICIA L. GLASER - State Bar No. 55668

2 G. JILL BASINGER - State Bar No. 195739

3 FELTON T. NEWELL - State Bar No. 201078

4 GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

5
6 Telephone: [REDACTED]

7 Facsimile: [REDACTED]

8 Attorneys for Defendant
Russell W. Simmons

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 JENNIFER JAROSIK, an individual,
13 Plaintiff,

14 v.

15 RUSSELL WENDELL SIMMONS, an
16 individual,
17 Defendant.

CASE NO.: 2:18-cv-00621

Hon. Fernando M. Olguin

**ANSWER OF DEFENDANT
RUSSELL W. SIMMONS TO
JENNIFER JAROSIK'S
COMPLAINT**

GlaserWeil

28

STATEMENT OF THE CASE

Introduction

1
2
3 1. Plaintiff Jennifer Jarosik has been a casual acquaintance of Defendant
4 Russell Simmons for over a decade. On the occasions when Mr. Jarosik and Mr.
5 Simmons had sex, it was with Ms. Jarosik's full consent. Over the course of the
6 acquaintance, Ms. Jarosik made unsolicited requests to Mr. Simmons for his
7 assistance with her nascent entertainment projects including a documentary, reality
8 television shows, and children's books. Mr. Simmons occasionally offered
9 encouragement to Ms. Jarosik, offered to contribute a few thousand dollars to one
10 project, and once asked a friend of his who was a documentary film-maker to help her
11 with a documentary project. In the wake of the #metoo movement, Ms. Jarosik
12 alleged that Mr. Simmons raped her, but in exchange for funding her film project, she
13 would help him restore his "image" with women.

14 2. In various court proceedings over the past six years, Ms. Jarosik has been
15 found by a court: (1) to have a "propensity to exaggerate"; (2) to suffer from
16 "untreated mental health issues," and (3) to be "unfit to properly parent" her young
17 son. Those very same qualities are evident in Ms. Jarosik's Complaint, which is filled
18 with lies against Mr. Simmons, who has only ever tried to help her. Mr. Simmons has
19 never had non-consensual sex with Ms. Jarosik or anyone else.

Russell Simmons

20
21 3. Russell Simmons is a world-renowned music impresario, entertainment
22 entrepreneur and humanitarian. He was raised in Queens, New York by parents who
23 met and fell in love while studying at Howard University. Mr. Simmons often joined
24 his father, a politically-active public school teacher, in street demonstrations against
25 racial discrimination in housing and employment. These foundational experiences
26 imbued Mr. Simmons with a strong sense of social justice and activism. Similarly,
27 Mr. Simmons' passion for art and creativity was strongly influenced by his mother's
28 passion and skill for the visual arts and by her commitment to civic engagement.

1 4. Over the course of more than four decades, Mr. Simmons rose from the
2 humble streets of Hollis, Queens to become a leading influencer and tastemaker in
3 hip-hop and in African-American culture. He has mentored and helped dozens of
4 successful young artists—from Run DMC to the Beastie Boys to Warren G to
5 comedians such as Adele Givens, Martin Lawrence, Mo’Nique, D.L. Hughley, Dave
6 Chappelle and others.

7 5. In addition to his professional causes, Mr. Simmons promotes a variety
8 of social causes from veganism to animal rights to inter-ethnic understanding to racial
9 justice, economic justice and world peace. Friends and colleagues describe him as
10 someone who only sees the good in people, and who enjoys helping and empowering
11 others. “Givers are great getters” is known as one of Mr. Simmons’ favorite sayings.

12 **Jennifer Jarosik**

13 6, Ms. Jarosik is a self-described "self-employed Tai/Yoga body work
14 instructor." She also has described herself as "writer, involved with writing poetry,
15 lyrics, novel and screen plays."

16 **Mr. Simmons’ Interactions with Ms. Jarosik**

17 7. Ms. Jarosik and Mr. Simmons met in or about 2006. Correspondence
18 between the parties tells a story that is very different from the allegations of her
19 Complaint. Most of the correspondence between the parties is one-sided, as Mr.
20 Simmons rarely initiated communication with Ms. Jarosik by text or email, and did
21 not respond to most of her communications.

22 8. While the unverified Compliant refers to one alleged incident of sexual
23 assault occurring in 2017, since filing the Complaint, Ms. Jarosik has publicly alleged
24 that Mr. Simmons also sexually assaulted her in 2011. However, in the intervening
25 years, Ms. Jarosik never made such a claim in the correspondence between the
26 parties. In fact, from the correspondence, it appears that Ms. Jarosik was interested in
27 having a closer relationship with Mr. Simmons and that she wanted his assistance
28 with her professional endeavors. Throughout the correspondence, Ms. Jarosik

1 referred to Mr. Simmons as "babe." On August 19, 2016, Ms. Jarosik wrote in an
2 email to Mr. Simmons: "To say I'm unlovable because of abandonment issue caused
3 from my father, thus feeling love is not possible. Is silliness. For to be open to love
4 is to be in love with oneself." Ms. Jarosik also wrote that day: "Our pull toward each
5 other is all we know. Write me that Ive [sic] won your heart."

6 9. On July 23, 2016, days before August 2016, when Ms. Jarosik alleges
7 Mr. Simmons sexually assaulted her a second time, Ms. Jarosik sent him a text that
8 stated "I emailed u love." On July 31, 2016, she texted Mr. Simmons to say "love to c
9 u soon."

10 10. On September 24, 2016, mere weeks after the incident alleged in the
11 Complaint, Ms. Jarosik sent a text to Mr. Simmons stating "Sending love <3." A few
12 days later, she sent a text that said "I miss u Russell. r u ok?" On November 5, 2016,
13 after allegedly being assaulted by Mr. Simmons, Ms. Jarosik sent Mr. Simmons a text
14 that said "Coming to l a. I want to see u ok." Mr. Simmons ignored each of these
15 texts. Additionally, Ms. Jarosik sent Mr. Simmons unsolicited nude photos after the
16 alleged 2016 incident.

17 11. Throughout the rest of 2016 and into June 2017, while looking for
18 funding for her projects, Ms. Jarosik continuously sent texts asking Mr. Simmons
19 how he was doing and attempting to arrange meetings with him. Many of the texts
20 referenced her ideas for reality television shows, children's books, documentaries and
21 non-profit charity work. While the texts stopped in June 2017, she continued to send
22 emails to Mr. Simmons through December 2017. In her emails, Ms. Jarosik never
23 made any claims about sexual assault. During those months, Mr. Simmons continued
24 largely to ignore Ms. Jarosik's determined pleas for him to finance various film,
25 television and book projects. Mr. Simmons did agree to be interviewed for her
26 "Goddess" documentary.

27 12. In or about November 2017, Mr. Simmons agreed to ask writer, director
28 and producer Rotimi Rainwater to review clips from Ms. Jarosik's documentary

GlaserWeil

1 “Goddess.” Also that month, Mr. Simmons offered to contribute a few thousand
2 dollars to Ms. Jarosik for the film. Only after hearing that women were able to
3 recover money for real abuse by actual sexual predators, did Ms. Jarosik decide to see
4 if she could extract large amounts of money from Mr. Simmons. When she asked Mr.
5 Simmons to be re-interviewed for "Goddess" to address the allegations others had
6 made against him, Mr. Simmons declined to participate. Ms. Jarosik subsequently
7 filed this action on January 24, 2018. In fact, the unverified Complaint is nothing
8 more than a work of fiction as the alleged sexual encounter between Mr. Simmons
9 and Ms. Jarosik was consensual.

10 **ANSWER**

11 Defendant Russell Simmons answers Plaintiff Jennifer Jarosik's Complaint for
12 Damages (the "Complaint") and sets forth his affirmative defenses as follows:

13 **SUMMARY OF CASE**

- 14 18. Mr. Simmons denies the allegations of paragraph 1 of the Complaint.
15 19. Mr. Simmons denies the allegations of paragraph 2 of the Complaint.
16 20. Mr. Simmons has no knowledge regarding the facts alleged in Paragraph
17 3 of the Complaint. Therefore, Mr. Simmons denies those allegations.
18 21. Mr. Simmons admits the allegations of paragraph 4 of the Complaint.
19 22. Mr. Simmons denies the allegations of paragraph 5 of the Complaint.
20 23. Mr. Simmons denies the allegations of paragraph 6 of the Complaint.
21 24. Mr. Simmons denies the allegations of paragraph 7 of the Complaint.
22 25. Mr. Simmons denies the allegations of paragraph 8 of the Complaint.
23 26. The allegations contained in paragraph 9 of the Complaint are
24 conclusions of law to which no response is required. To the extent a response is
25 deemed required, Mr. Simmons lacks a factual basis to admit or deny the allegation
26 and, on that basis, denies the allegation.
27
28

GlaserWeil

JURISDICTION AND VENUE

1
2 27. Mr. Simmons denies the allegation of paragraph 10 as the parties
3 involved are not completely diverse in citizenship. Both Mr. Simmons and Plaintiff
4 Jennifer Jarosik are residents of California.

5 28. Mr. Simmons admits the allegation of paragraph 11 of the Complaint.

6 29. Mr. Simmons denies the allegation of paragraph 12 of the Complaint. At
7 all times material, Mr. Simmons was, and still is a resident of California.

8 30. Mr. Simmons denies the allegation of paragraph 13 of the Complaint.

9 31. Mr. Simmons denies the allegation of paragraph 14 of the Complaint.

10 **PARTIES**

11 32. Mr. Simmons admits the allegation of paragraph 15 of the Complaint.

12 33. Mr. Simmons denies the allegation of paragraph 16 of the Complaint.

13 **FACTUAL ALLEGATIONS**

14 34. Mr. Simmons denies that he offered to co-produce, finance and assist
15 Ms. Jarosik with a documentary. Mr. Simmons admits all of the other allegations of
16 paragraph 17 of the Complaint.

17 35. Mr. Simmons admits that on or about August 2016, Ms. Jarosik was
18 invited by Mr. Simmons to his home in Los Angeles, on Doheny Drive. Mr.
19 Simmons denies all of the other allegations of paragraph 18 of the Complaint.

20 36. Mr. Simmons has no factual basis to admit or deny the allegations of
21 paragraph 19 of the Complaint and on that basis, denies the allegations.

22 37. Mr. Simmons has no factual basis to admit or deny the allegations of
23 paragraph 20 of the Complaint and on that basis, denies the allegations.

24 38. Mr. Simmons did deny Ms. Jarosik's allegations and the allegations of
25 others because those allegations are untrue. Mr. Simmons has no factual basis to
26 admit or deny whether Ms. Jarosik is the eighth woman to allege that Mr. Simmons
27 engaged in sexual harassment, assault or rape, and on that basis, denies that allegation
28 of the Complaint. To be clear, Mr. Simmons denies ever having non-consensual sex

Glaser Weil

1 with Ms. Jarosik or any other woman.

2 **FIRST CAUSE OF ACTION**

3 39. Mr. Simmons hereby incorporates his responses to paragraphs 1-21 of
4 the Complaint.

5 40. Mr. Simmons denies the allegations of paragraph 23 of the Complaint.

6 41. Mr. Simmons denies the allegations of paragraph 24 of the Complaint.

7 42. Mr. Simmons denies the allegations of paragraph 25 of the Complaint.

8 43. Mr. Simmons denies the allegations of paragraph 26 of the Complaint.

9 44. Mr. Simmons denies the allegations of paragraph 27 of the Complaint.

10 45. Mr. Simmons denies the allegations of paragraph 28 of the Complaint.

11 **SECOND CAUSE OF ACTION**

12 46. Mr. Simmons hereby incorporates his responses to paragraphs 1-28 of
13 the Complaint.

14 47. Mr. Simmons denies the allegations of paragraph 30 of the Complaint.

15 48. Mr. Simmons denies the allegations of paragraph 31 of the Complaint.

16 49. Mr. Simmons denies the allegations of paragraph 32 of the Complaint.

17 50. Mr. Simmons denies the allegations of paragraph 33 of the Complaint.

18 51. Mr. Simmons denies the allegations of paragraph 34 of the Complaint.

19 52. Mr. Simmons denies the allegations of paragraph 35 of the Complaint.

20 53. Mr. Simmons denies the allegations of paragraph 36 of the Complaint.

21 54. Mr. Simmons denies the allegations of paragraph 37 of the Complaint.

22 **THIRD CAUSE OF ACTION**

23 55. Mr. Simmons hereby incorporates his responses to paragraphs 1-37 of
24 the Complaint.

25 56. Mr. Simmons denies the allegations of paragraph 39 of the Complaint.

26 57. Mr. Simmons denies the allegations of paragraph 40 of the Complaint.

27 58. Mr. Simmons denies the allegations of paragraph 41 of the Complaint.

28 59. Mr. Simmons denies the allegations of paragraph 42 of the Complaint.

GlaserWeil

1 60. Mr. Simmons denies the allegations of paragraph 43 of the Complaint.

2 **AFFIRMATIVE DEFENSES**

3 FIRST AFFIRMATIVE DEFENSE

4 1. Plaintiff has failed, in whole or in part, to state a claim upon which relief
5 can be granted;

6 SECOND AFFIRMATIVE DEFENSE

7 2. There is no diversity as both parties are residents of California;

8 THIRD AFFIRMATIVE DEFENSE

9 3. Plaintiff has suffered no damages by Mr. Simmons and/or has failed to
10 mitigate her damages, if any;

11 THIRD AFFIRMATIVE DEFENSE

12 4. Plaintiff has suffered no injury by Mr. Simmons, nor is there a likelihood
13 of injury by Mr. Simmons;

14 FOURTH AFFIRMATIVE DEFENSE

15 5. Plaintiff has suffered no harm and/or irreparable harm by Mr. Simmons

16 FIFTH AFFIRMATIVE DEFENSE

17 6. Mr. Simmons acted with the full consent of Ms. Jarosik.

18 SIXTH AFFIRMATIVE DEFENSE

19 7. The Complaint is barred by reason of waiver, estoppel and/or laches.

20 SEVENTH AFFIRMATIVE DEFENSE

21 8. The Complaint is barred by Plaintiff's unclean hands.

22 EIGHTH AFFIRMATIVE DEFENSE

23 9. Mr. Simmons hereby reserves the right to add, supplement, modify,
24 change or amend any and all of his affirmative defenses as the facts and
25 circumstances become known through further discovery and/or investigation.

26 **PRAYER FOR RELIEF**

27 Having completely and fully provided his Answer to the Complaint, Defendant
28 Russell Simmons therefore also denies Plaintiff's prayer for relief.

Glaser Weil

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Mr. Simmons prays for relief as follows:


1. The Complaint against Mr. Simmons be dismissed with prejudice;
2. That Mr. Simmons be awarded such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Defendant Russell Simmons hereby respectfully makes a demand for trial by jury.

DATED: April 4, 2018

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO LLP

By: 

 PATRICIA L. GLASER
 G. JILL BASINGER
 FELTON T. NEWELL
 Attorneys for Defendant Russell W. Simmons