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**FILED**  
 LOS ANGELES SUPERIOR COURT

JUL 20 2000

Attorney for Plaintiffs, BURTON, et al..

JOHN A. CLARKE, CLERK

BY L. ROMERO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES**

723046

ALEXANDER BURTON; MARK RYAN;  
 and MICHAEL E., a minor, by and through  
 his Guardian ad Litem, BONNIE MOUND,

Plaintiffs,

v.

MARC COLLINS-RECTOR; CHAD  
 SHACKLEY; BROCK PIERCE; DIGITAL  
 ENTERTAINMENT NETWORK, INC.;  
 DOES 1 through 100, inclusive; ABC  
 CORPORATIONS 1 through 100, inclusive,

Defendants.

CASE NO.

**LC053103**

**COMPLAINT FOR DAMAGES**

1. Negligence per se, Penal Code section 235
2. Negligence per se Penal Code Sections 240, et seq., 243.4 and 261, et seq.
3. Negligence per se, Penal Code Sections 288a, 288.2 and 261.5
4. Negligence
5. Intentional Infliction of Emotional Distress
6. Employment discrimination and harassment in violation of the Fair Employment and Housing Act
7. Sexual Orientation Discrimination
8. Assault and Battery
9. Premises Liability

NOW COME PLAINTIFFS and allege as follows:

**INTRODUCTORY ALLEGATIONS**

1. Plaintiff ALEXANDER BURTON (hereinafter, BURTON) was at all times herein mentioned, unless otherwise indicated, an individual residing in the County of Los Angeles, State of California.

NORTHWEST DISTRICT  
 OF LOS ANGELES  
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2. Plaintiff MARK RYAN (hereinafter, RYAN) was at all times herein mentioned, unless otherwise indicated, an individual residing in the County of Los Angeles, State of California.
3. Plaintiff BONNIE MOUND is the guardian ad litem of MICHAEL E. (hereinafter, MICHAEL E.), who was at all times herein mentioned, unless otherwise indicated, an individual and a minor residing in the County of Los Angeles, State of California.
4. Defendant MARC COLLINS-RECTOR (hereinafter, "COLLINS") was, at all times relevant hereto a resident of 5255 Encino Avenue, Encino, Los Angeles County, California.
5. Defendant CHAD SHACKLEY (hereinafter, "SHACKLEY") was, at all times relevant hereto a resident of 5255 Encino Avenue, Encino, Los Angeles County, California.
6. Defendant BROCK PIERCE (hereinafter, "PIERCE") was, at all times relevant hereto a resident of 5255 Encino Avenue, Encino, Los Angeles County, California.
7. Defendant DIGITAL ENTERTAINMENT NETWORK, INC. (hereinafter, "DEN") was, at all times relevant hereto a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 2230 Broadway, Santa Monica, County of Los Angeles, California.
8. Injuries upon which this action is based occurred in the County of Los Angeles, State of California.
9. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as DOES 1 through 100, inclusive, and ABC CORPORATIONS 1 through 100, inclusive, and therefore sues these defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained.
10. Plaintiff is informed and believes and based thereon allege that defendants COLLINS, SHACKLEY, and PIERCE at all times material herein mentioned were employees, officers, directors, managers or otherwise agents of DEN.
11. Plaintiffs are informed and believes that at all times relevant, each of the defendants is an agent, servant and employee of the other, and each was acting within the course, scope and purpose of said agency, service and employment with the permission, consent and ratification of each of the remaining defendants, and the actions of each defendant proximately caused

1 Plaintiffs' damages as herein alleged.

2 **COMMON ALLEGATIONS**

3 12. In or around February 1998, DEN was in the business of providing internet videos, music,  
4 news and entertainment services.

5 13. In and around February 1998 through September 1999, defendant COLLINS was the co-  
6 founder, Chief Executive Officer and Chairman of the Board of Directors of DEN.

7 14. In and around February 1998 through September 1999, defendant SHACKLEY was an officer  
8 and/or director and/or employee of DEN.

9 15. In and around February 1998 through September 1999, defendant PIERCE was an officer  
10 and/or director and/or employee of DEN.

11 16. During the period from February 1998 through September 1999, COLLINS offered  
12 employment by DEN to plaintiffs and each of them.

13 17. Each of the plaintiffs accepted said offer of employment by DEN.

14 18. Each of the plaintiffs entered into the employment by DEN and received remuneration from  
15 DEN for services performed by plaintiffs for DEN or on DEN's behalf.

16 19. Each of the plaintiffs performed services for DEN or on DEN's behalf, inter alia, at the  
17 residence of COLLINS located at 5255 Encino Avenue, Encino, California and known as  
18 M&C ESTATE (hereinafter, M&C ESTATE), and at DEN's offices at 2230 Broadway, Santa  
19 Monica, California (hereinafter, DEN'S OFFICE).

20 20. During the course of plaintiffs' employment by Defendants DEN, COLLINS, SHACKLEY  
21 and/or PIERCE, Defendants COLLINS, SHACKLEY and/or PIERCE, on numerous and  
22 repeated occasions as further described hereinbelow, sexually and physically assaulted  
23 plaintiffs, forced plaintiffs through coercion or subversion to consume controlled substances  
24 and/or prescription drugs, threatened plaintiffs with physical injury and economic harm, all  
25 with the intent to humiliate plaintiffs and subjugate them to their will.

26 21. Throughout the period from February 1998 through September 1999, and thereafter,  
27 Defendants COLLINS, SHACKLEY, and PIERCE on repeated occasions provided alcohol,  
28 controlled substances and/or prescription drugs, some of which were unlawfully obtained

1 through a Dr. Mobasser, in which to intoxicate, subjugate and/or incapacitate plaintiffs, and  
2 for the purpose of further allowing defendants, and each of them, to physically and mentally  
3 abuse plaintiffs.

4 22. Said prescription drugs and/or controlled substances included, but were not limited to,  
5 Valium, Vicodin, Xanax, Percocet, marijuana, hashish, Ecstasy, and Rufinols.

#### 6 BURTON'S ALLEGATIONS

7 23. On or about July 21, 1999, Plaintiff BURTON responded to an invitation by defendant  
8 PIERCE to come to the M&C ESTATE.

9 24. BURTON met defendants COLLINS, PIERCE and SHACKLEY. Defendant COLLINS  
10 acting on the actual or ostensive authority of DEN, offered BURTON employment with DEN.

11 25. BURTON accepted the offer of employment by DEN and began working for DEN.

12 26. BURTON performed his duties for DEN at various locations, including DEN's offices in  
13 Santa Monica and at the M&C ESTATE.

14 27. While present at the M&C ESTATE as an employee of DEN, defendants COLLINS, PIERCE  
15 and SHACKLEY made alcohol, marijuana, controlled substances and/or prescription drugs  
16 available to BURTON, despite the fact that BURTON was under 21 years of age.

17 28. Further, while present at the M&C ESTATE as an employee of DEN, defendants COLLINS,  
18 SHACKLEY and PIERCE began to physically and sexually harass, assault and abuse  
19 BURTON.

20 29. These acts started when defendants COLLINS, SHACKLEY and PIERCE invited BURTON  
21 to join them in their jacuzzi/hot tub.

22 30. Defendants COLLINS, SHACKLEY and PIERCE told BURTON that he must remove all of  
23 his clothes, including undergarments, before entering the hot tub.

24 31. After entering the hot tub, defendants COLLINS, SHACKLEY and PIERCE touched plaintiff  
25 BURTON on his genitals, without BURTON's invitation or consent.

26 32. BURTON attempted to leave the hot tub, and was physically restrained by defendants  
27 COLLINS, SHACKLEY and PIERCE.

28 33. Thereafter, COLLINS continued to touch BURTON's genitals and masturbate himself, while

1 BURTON was being restrained by SHACKLEY and PIERCE.

2 34. Thereafter, COLLINS took BURTON aside, and showed BURTON his collection of firearms.  
3 COLLINS then demanded that BURTON enter into a room with another man. The man stood  
4 behind BURTON while COLLINS spoke with BURTON. COLLINS stated that the man  
5 standing behind BURTON will kill BURTON by choking him by the neck until he is dead.  
6 COLLINS further stated to BURTON that the man is waiting for his signal to begin choking  
7 BURTON, and that the signal would be for COLLINS to raise his arm. In addition to threats  
8 of physical harm, COLLINS also threatened to use his power and influence in the  
9 entertainment industry to prevent BURTON from gaining employment in the field of  
10 entertainment. Over the course of 1 to 2 hours, COLLINS continued to threaten BURTON  
11 with physical and economic harm should BURTON attempt to leave COLLINS, or take any  
12 action against COLLINS or any other defendant. In addition, COLLINS told BURTON that  
13 he possessed "gay-dar" and was able to discern that BURTON was a homosexual and was  
14 desirous of homosexual sex.

15 35. Thereafter and continuing until May, 2000, BURTON's movements were restricted by  
16 defendants, and each of them. BURTON was subjected to continued physical and sexual  
17 abuse, harassment and assault. These acts of sexual abuse included repeated acts of oral  
18 copulation, wherein BURTON was forced to orally copulate defendants COLLINS,  
19 SHACKLEY and PIERCE, and sodomy, which BURTON was subjected to anal intercourse  
20 by defendants COLLINS, SHACKLEY and PIERCE.

21 36. As part of this pattern of abuse and assaults, BURTON was routinely subjected to sessions  
22 with COLLINS wherein COLLINS would threaten BURTON with death, injury, physical and  
23 economic harm should he resist or report the physical and sexual abuse, harassment and  
24 assaults.

25 37. In addition, and as part of this pattern of abuse and assaults, BURTON was routinely offered  
26 alcohol, marijuana, prescription drugs, and/or controlled substances so as to physically and  
27 emotionally debilitate or incapacitate him and so as to allow defendants and each of them to  
28 continue this pattern of abuse and assaults.

**RYAN'S ALLEGATIONS**

- 1
- 2 38. In or about July 1999, RYAN was invited by Plaintiff MICHAEL E. to join him at a party
- 3 which took place at the M&C ESTATE.
- 4 39. On that occasion, RYAN met defendants COLLINS, PIERCE and SHACKLEY. Defendant
- 5 COLLINS acting on the actual or ostensive authority of DEN, offered RYAN employment
- 6 with DEN.
- 7 40. RYAN accepted the offer of employment by DEN and began working for DEN.
- 8 41. RYAN performed his duties for DEN at various locations, including DEN's offices in Santa
- 9 Monica and at the M&C ESTATE.
- 10 42. While present at the M&C ESTATE as an employee of DEN, defendants COLLINS, PIERCE
- 11 and SHACKLEY made alcohol, marijuana, controlled substances and/or prescription drugs
- 12 available to RYAN, despite the fact that RYAN was under 21 years of age.
- 13 43. On one occasion, in or about September, 1999, when RYAN was present at the M&C
- 14 ESTATE along with defendants COLLINS, SHACKLEY and PIERCE, COLLINS solicited
- 15 sex from RYAN.
- 16 44. RYAN refused to engage in homosexual acts with COLLINS.
- 17 45. Upon RYAN's refusal to engage in homosexual acts with COLLINS, COLLINS threatened
- 18 to fire RYAN from DEN.
- 19 46. Thereafter, on that same occasion, COLLINS obtained a drug known as "Ecstasy" from
- 20 defendant PIERCE and, without RYAN's knowledge or consent, mixed this drug along with
- 21 other drugs into an alcoholic drink which he then served to RYAN.
- 22 47. RYAN drank the alcoholic drink containing "Ecstasy" and other drugs and lost consciousness.
- 23 48. RYAN regained consciousness the next morning, whereupon he found himself in COLLINS
- 24 bedroom, in COLLINS bed with COLLINS. RYAN's clothes had been removed, and he was
- 25 naked. COLLINS was naked as well, and was lying with one arm around RYAN.
- 26 49. On information and belief, RYAN was subjected to oral and/or anal intercourse while RYAN
- 27 was rendered unconscious by a combination of alcohol and drugs which were served to him
- 28 by COLLINS, SHACKLEY, and PIERCE.

50. Immediately thereafter COLLINS threatened RYAN with death, injury, physical and economic harm should he report the physical and sexual abuse, harassment and assaults.

51. Immediately, thereafter, COLLINS and/or DEN fired RYAN from employment.

#### MICHAEL E.'S ALLEGATIONS

52. On or about June 1998, MICHAEL E., a minor, was invited to the M&C ESTATE by the brother of Defendant SHACKLEY. Michael E. was born on August 7, 1982 so that at the time that Michael E. first met Defendants he was less than 16 years of age.

53. MICHAEL E. met defendants COLLINS, PIERCE and SHACKLEY. Defendant COLLINS acting on the actual or ostensive authority of DEN, offered MICHAEL E. employment with DEN.

54. MICHAEL E. accepted the offer of employment by DEN and began working for DEN.

55. MICHAEL E. performed his duties for DEN at various locations, including DEN's offices in Santa Monica and at the M&C ESTATE.

56. While present at the M&C ESTATE as an employee of DEN, defendants COLLINS, PIERCE and SHACKLEY made alcohol, marijuana, controlled substances and/or prescription drugs available to MICHAEL E., despite the fact that MICHAEL E. was under 16 years of age.

57. Further, while present at the M&C ESTATE as an employee of DEN, defendants COLLINS, SHACKLEY and PIERCE began to physically and sexually harass, assault and abuse MICHAEL E.

58. COLLINS told MICHAEL E. that he possessed "gay-dar" and was able to discern that MICHAEL E. was a homosexual and was desirous of homosexual sex.

59. COLLINS offered and in fact made available to MICHAEL E. large sums of money, motor vehicles, expensive watches and jewelry, carriage by limousine, access to alcohol, marijuana, prescription drugs, and controlled substances in order to entice MICHAEL E. into engaging in homosexual acts with COLLINS, SHACKLEY and PIERCE, or otherwise debilitate or incapacitate MICHAEL E. so as to allow COLLINS, SHACKLEY and PIERCE to engage in homosexual acts with MICHAEL E.

60. These homosexual acts included physical manipulation of MICHAEL E.'s genitals, physical

manipulation by MICHAEL E. of the genitals of COLLINS, SHACKLEY and PIERCE, oral copulation by MICHAEL E. of defendants COLLINS, SHACKLEY and PIERCE, and anal intercourse performed on MICHAEL E. by defendants COLLINS, SHACKLEY and PIERCE.

61. MICHAEL E. was subjected to each of these homosexual acts on multiple occasions from June 1998 through approximately March 2000, both while MICHAEL E. was under 16 years of age, and under 18 years of age.

62. These homosexual acts as hereinabove alleged were performed without the consent of MICHAEL E. and through defendants', and each of them, use of force or threat of the use of force, as well as causing MICHAEL E. to ingest alcohol, marijuana, prescription drugs, and controlled substances.

63. As part of this pattern of abuse and assaults, MICHAEL E. was routinely subjected to sessions with COLLINS wherein COLLINS would threaten MICHAEL E. with death, injury, physical and economic harm should he resist or report the physical and sexual abuse, harassment and assaults.

#### FIRST CAUSE OF ACTION

##### NEGLIGENCE PER SE – Against all Defendants

##### Violation of Penal Code 236, False Imprisonment

64. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 63 of the Complaint as if fully set forth herein at length.

65. Defendants COLLINS, SHACKLEY, and PIERCE committed acts of False Imprisonment, as defined in Penal Code section 236, with respect to plaintiffs and each of them.

66. At all times relevant, Defendants COLLINS, SHACKLEY, PIERCE, DEN and DOES 1 through 100 and ABC CORPORATIONS 1 through 100, aided, abetted, participated and/or conspired with Defendants, and each of them, to commit acts of false imprisonment, as defined in Penal Code section 236, with respect to plaintiffs, and each of them.

67. Defendants COLLINS, SHACKLEY, PIERCE, DEN and DOES 1 through 100 and ABC CORPORATIONS 1 through 100, in committing, or aiding, abetting, participating and/or conspiring to commit acts of false imprisonment, violated their duty of care with respect to



plaintiffs, and each of them, such violation causing plaintiffs, and each of them, physical and emotional harm, including but not limited to psychological injury and illness, pain and suffering, medical expenses, diminished enjoyment of life, lost wages, and lost earnings capacity in an amount according to proof at time of trial.

68. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud or malice towards plaintiffs, and each of them. Defendants, and each of them, by the acts alleged in this complaint, intended to cause injury to the plaintiff and engaged in despicable conduct with a willful and conscious disregard for the rights of plaintiffs, and each of them. Defendants, and each of them, further engaged in despicable conduct which subjected plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiffs' rights. Because of the egregious conduct of the defendants, and each of them, as herein alleged, plaintiffs, and each of them, are entitled to and do hereby demand punitive and exemplary damages in an amount to be shown at time of trial sufficient to punish and deter said defendants from so acting in the future.

## SECOND CAUSE OF ACTION

### NEGLIGENCE PER SE – Against all Defendants

Violation of Penal Code 240, et seq. Assault  
Violation of Penal Code 243.4 Sexual Battery  
Violation of Penal Code 261, et seq. Rape

69. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 68 of the Complaint as if fully set forth herein at length.

70. Defendants COLLINS, SHACKLEY, and PIERCE committed acts of Assault as defined in Penal Code section 240, with respect to plaintiffs and each of them.

71. Defendants COLLINS, SHACKLEY, and PIERCE committed acts of sexual battery as defined in Penal Code section 243.4, with respect to plaintiffs and each of them.

72. Defendants COLLINS, SHACKLEY, and PIERCE committed acts of rape as defined in Penal Code section 261, et seq., with respect to plaintiffs and each of them.

73. At all times relevant, Defendants COLLINS, SHACKLEY, PIERCE, DEN and DOES 1 through 100 and ABC CORPORATIONS 1 through 100, aided, abetted, participated and/or

1 conspired with Defendants, and each of them, to commit acts of assault, and/or sexual battery  
2 and/or rape, as defined in Penal Code sections 240, 243.3 and 261, et seq., with respect to  
3 plaintiffs, and each of them.

4 74. Defendants COLLINS, SHACKLEY, PIERCE, DEN and DOES 1 through 100 and ABC  
5 CORPORATIONS 1 through 100, in committing, or aiding, abetting, participating and/or  
6 conspiring to commit acts of assault, and/or sexual battery and/or rape, violated their duty of  
7 care with respect to plaintiffs, and each of them, such violation causing plaintiffs, and each  
8 of them, physical and emotional harm, including but not limited to psychological injury and  
9 illness, pain and suffering, medical expenses, diminished enjoyment of life, lost wages, and  
10 lost earnings capacity in an amount according to proof at time of trial.

11 75. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud  
12 or malice towards plaintiffs, and each of them. Defendants, and each of them, by the acts  
13 alleged in this complaint, intended to cause injury to the plaintiff and engaged in despicable  
14 conduct with a willful and conscious disregard for the rights of plaintiffs, and each of them.  
15 Defendants, and each of them, further engaged in despicable conduct which subjected  
16 plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiffs'  
17 rights. Because of the egregious conduct of the defendants, and each of them, as herein  
18 alleged, plaintiffs, and each of them, are entitled to and do hereby demand punitive and  
19 exemplary damages in an amount to be shown at time of trial sufficient to punish and deter  
20 said defendants from so acting in the future.

### 21 THIRD CAUSE OF ACTION

#### 22 NEGLIGENCE PER SE – By Plaintiff Michael E. Against all Defendants

23 Violation of Penal Code 288a – Oral Copulation with a minor

24 Violation of Penal Code 288.2 – Sodomy of a minor

25 Violation of Penal Code 261.5 – Unlawful Sexual Intercourse

26 76. Plaintiff Michael E. repeats and realleges each and every allegation contained in paragraphs  
27 1 through 75 of the Complaint as if fully set forth herein at length.

28 77. At all times relevant, Michael E. was a minor under the age of 18.

78. At all times relevant, Defendant COLLINS was an adult aged 35 years or older.

- 1 79. At all times relevant, Defendant SHACKLEY was an adult over the age of 21.
- 2 80. At all times relevant, Defendant PIERCE was an adult over the age of 18.
- 3 81. Defendants COLLINS, SHACKLEY and PIERCE committed acts of Unlawful Sexual
- 4 Intercourse as defined in Penal Code section 261.5 with respect to plaintiff Michael E.
- 5 82. Defendants COLLINS, SHACKLEY and PIERCE committed acts of Oral Copulation with
- 6 a minor as defined in Penal Code section 288a with respect to plaintiff MICHAEL E.
- 7 83. Defendants COLLINS, SHACKLEY, PIERCE , DEN and DOES 1 through 100 and ABC
- 8 CORPORATIONS 1 through 100, aided, abetted, participated and/or conspired with
- 9 Defendants, and each of them, through the use of force, and/or fear if immediate and unlawful
- 10 bodily injury, and/or by threats of future retaliation against Plaintiff Michael E., the
- 11 commission of acts of Oral Copulation with a minor as defined in Penal Code section 288a
- 12 with respect to plaintiff Michael E.
- 13 84. Defendants COLLINS, SHACKLEY and PIERCE committed acts of Sodomy with a minor
- 14 as defined in Penal Code section 288.2 with respect to plaintiff Michael E.
- 15 85. Defendants COLLINS, SHACKLEY, PIERCE , DEN and DOES 1 through 100 and ABC
- 16 CORPORATIONS 1 through 100, aided, abetted, participated and/or conspired with
- 17 Defendants, and each of them through the use of force, and/or fear if immediate and unlawful
- 18 bodily injury, and/or by threats of future retaliation against Plaintiff Michael E., the
- 19 commission of acts of Sodomy with a minor as defined in Penal Code section 288.2 with
- 20 respect to plaintiff Michael E.
- 21 86. Defendants COLLINS, SHACKLEY, PIERCE , DEN and DOES 1 through 100 and ABC
- 22 CORPORATIONS 1 through 100, in committing, or aiding, abetting, participating and/or
- 23 conspiring to commit acts of oral copulation and sodomy of a minor, violated their duty of
- 24 care with respect to plaintiff MICHAEL E., such violation causing plaintiff MICHAEL E,
- 25 physical and emotional harm, including but not limited to psychological injury and illness,
- 26 pain and suffering, medical expenses, diminished enjoyment of life, lost wages, and lost
- 27 earnings capacity.
- 28 87. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud

1 or malice towards plaintiff MICHAEL E., defendants, and each of them, by the acts alleged  
2 in this complaint, intended to cause injury to plaintiff MICHAEL E and engaged in despicable  
3 conduct with a willful and conscious disregard for the rights of plaintiff MICHAEL E.  
4 Defendants, and each of them, further engaged in despicable conduct which subjected  
5 plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiff  
6 MICHAEL E's rights. Because of the egregious conduct of the defendants, and each of them,  
7 as herein alleged, plaintiff MICHAEL E. is entitled to and does hereby demand punitive and  
8 exemplary damages in an amount to be shown at time of trial sufficient to punish and deter  
9 said defendants from so acting in the future.

#### 10 FOURTH CAUSE OF ACTION

##### 11 NEGLIGENCE

12 88. Plaintiffs, and each of them, repeat and reallege each and every allegation contained in  
13 paragraphs 1 through 87 of the Complaint as if fully set forth herein at length.

14 89. Defendants COLLINS, SHACKLEY, PIERCE, DEN, DOES 1 through 100, and ABC  
15 CORPORATIONS 1 through 100, each committed acts and/or conspired, aided and abetted  
16 the commission of acts of false imprisonment, assault, sexual battery and rape with respect  
17 to plaintiffs, and each of them.

18 90. In committing the actions alleged herein in this Complaint, Defendants, and each of them,  
19 breached their duty of care owed by each of them to Plaintiffs, and each of them.

20 91. As a direct and legal result of these breaches of the duty of care by Defendants, and each of  
21 them, Plaintiffs, and each of them, have sustained and continue to sustain physical,  
22 psychological, emotional, economic and general damages.

23 92. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud  
24 or malice towards plaintiffs, and each of them. Defendants, and each of them, by the acts  
25 alleged in this complaint, intended to cause injury to the plaintiff and engaged in despicable  
26 conduct with a willful and conscious disregard for the rights of plaintiffs, and each of them.  
27 Defendants, and each of them, further engaged in despicable conduct which subjected  
28 plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiffs'

rights. Because of the egregious conduct of the defendants, and each of them, as herein alleged, plaintiffs, and each of them, are entitled to and do hereby demand punitive and exemplary damages in an amount to be shown at time of trial sufficient to punish and deter said defendants from so acting in the future.

#### FIFTH CAUSE OF ACTION

##### INTENTIONAL INFLICTION OF EMOTIONAL DURESS

93. Plaintiffs, and each of them, repeat and reallege each and every allegation contained in paragraphs 1 through 92 of the Complaint as if fully set forth herein at length.

94. At all times relevant, Defendants, and each of them, engaged in intentional and/or reckless conduct that was outrageous and unlawful.

95. As a direct and legal result of these breaches of the duty of care by Defendants, and each of them, Plaintiffs, and each of them, have sustained and continue to sustain physical, psychological, emotional, economic and general damages.

96. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud or malice towards plaintiffs, and each of them. Defendants, and each of them, by the acts alleged in this complaint, intended to cause injury to the plaintiff and engaged in despicable conduct with a willful and conscious disregard for the rights of plaintiffs, and each of them. Defendants, and each of them, further engaged in despicable conduct which subjected plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiffs' rights. Because of the egregious conduct of the defendants, and each of them, as herein alleged, plaintiffs, and each of them, are entitled to and do hereby demand punitive and exemplary damages in an amount to be shown at time of trial sufficient to punish and deter said defendants from so acting in the future.

#### SIXTH CAUSE OF ACTION

##### DISCRIMINATORY EMPLOYMENT PRACTICES (FEHA)

97. Plaintiffs, and each of them, repeat and reallege each and every allegation contained in paragraphs 1 through 96 of the Complaint as if fully set forth herein at length.

98. Plaintiffs are informed and believe and thereon allege that defendants DEN, Does 1 through

1 plaintiff's supervisors and accordingly, defendant DEN is strictly liable for the sexual  
2 harassment perpetrated by these individual defendants pursuant to Government Code section  
3 12940(a), et seq.

#### 4 EIGHTH CAUSE OF ACTION

##### 5 ASSAULT AND BATTERY

6 114. Plaintiffs, and each of them, repeat and reallege each and every allegation contained in  
7 paragraphs 1 through 113 of the Complaint as if fully set forth herein at length.

8 115. At all times relevant hereto, Defendants, and each of them, committed a willful, harmful,  
9 and/or offensive non-consensual touching of plaintiffs, and each of them.

10 116. As a direct and legal result of each of Defendants' assault and battery against Plaintiffs, and  
11 each of them, Plaintiffs, and each of them, have sustained and continue to sustain physical,  
12 psychological, emotional, economic and general damages in an amount according to proof at  
13 time of trial.

14 117. In doing the acts complained of, defendants, and each of them, acted with oppression, fraud  
15 or malice towards plaintiffs, and each of them. Defendants, and each of them, by the acts  
16 alleged in this complaint, intended to cause injury to the plaintiff and engaged in despicable  
17 conduct with a willful and conscious disregard for the rights of plaintiffs, and each of them.  
18 Defendants, and each of them, further engaged in despicable conduct which subjected  
19 plaintiffs, and each of them, to cruel and unjust hardship in conscious disregard of plaintiffs'  
20 rights. Because of the egregious conduct of the defendants, and each of them, as herein  
21 alleged, plaintiffs, and each of them, are entitled to and do hereby demand punitive and  
22 exemplary damages in an amount to be shown at time of trial sufficient to punish and deter  
23 said defendants from so acting in the future.

#### 24 NINTH CAUSE OF ACTION

##### 25 PREMISES LIABILITY

26 118. Plaintiffs, and each of them, repeat and reallege each and every allegation contained in  
27 paragraphs 1 through 116 of the Complaint as if fully set forth herein at length.

28 119. Plaintiffs, and each of them, allege that the acts of defendants, and each of them which

1 were the legal cause of damages to Plaintiffs, and each of them, occurred, inter alia, at the  
2 premises known as M&C ESTATE.

3 120. Plaintiffs, and each of them, further allege that the defendants COLLINS and SHACKLEY  
4 and DOES 1 to 100 and ABC CORPORATIONS 1 to 100, negligently owned, maintained,  
5 managed and operated the premises known as M&C ESTATE, such that plaintiffs, and  
6 each of them, were subjected to false imprisonment, sexual assault, assault, battery, rape,  
7 harassment, and other offenses as hereinabove alleged.

8 121. Defendants COLLINS and/or SHACKLEY's actions, and failures to act with respect to the  
9 ownership, operation and management of the M&C ESTATE was a breach of the duties  
10 owed by them to plaintiffs and each of them.

11 122. As a proximate legal result of Defendants COLLINS and/or SHACKLEY's breach of  
12 duties owed by them to plaintiffs, and each of them, plaintiffs, and each of them, have  
13 sustained and continue to sustain physical, psychological, emotional, economic and  
14 general damages in an amount according to proof at time of trial.

15  
16 WHEREFORE Plaintiffs pray judgment as follows:

- 17 1. For general, special and compensatory damages as alleged in each of said causes of action  
18 in an amount according to proof at time of trial;
- 19 2. For punitive and exemplary damages as alleged in each of said causes of action in an  
20 amount according to proof at time of trial;
- 21 3. For reasonable attorney's fees;
- 22 4. For costs of suit incurred; and
- 23 5. For such other and further relief as the court may deem proper.

24 DATED: July 19, 2000

CHEREN AND ASSOCIATES

25  
26 By: 

DANIEL J. CHEREN

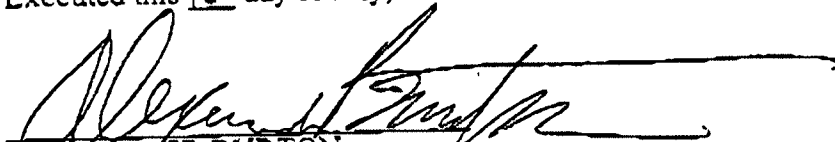
Attorney for Plaintiffs BURTON, RYAN and  
MICHAEL E.

## VERIFICATION

1  
2 I, ALEXANDER BURTON, a plaintiff in this action have read the foregoing complaint and know  
3 the contents thereof. The same is true of my own knowledge, except as to those matters which are  
4 therein stated on information and belief, and as to those matters, I believe it to be true.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
6 and correct.

7 Executed this 18 day of July, 2000 at Encino, California.

8   
9 ALEXANDER BURTON

10  
11 I, MARK RYAN, a plaintiff in this action have read the foregoing complaint and know the contents  
12 thereof. The same is true of my own knowledge, except as to those matters which are therein stated  
13 on information and belief, and as to those matters, I believe it to be true.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
15 and correct.

16 Executed this \_\_\_\_ day of July, 2000 at Encino, California.

17  
18 MARK RYAN

19 I, BONNIE MOUND, guardian ad litem of MICHAEL E., a plaintiff in this action have read the  
20 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except  
21 as to those matters which are therein stated on information and belief, and as to those matters, I  
22 believe it to be true.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
24 and correct.

25 Executed this \_\_\_\_ day of July, 2000 at Encino, California.

26  
27 BONNIE MOUND, guardian ad  
28 litem of MICHAEL E.



## VERIFICATION

1  
2 I, ALEXANDER BURTON, a plaintiff in this action have read the foregoing complaint and know  
3 the contents thereof. The same is true of my own knowledge, except as to those matters which are  
4 therein stated on information and belief, and as to those matters, I believe it to be true.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
6 and correct.

7 Executed this \_\_\_\_ day of July, 2000 at Encino, California.

8  
9 ALEXANDER BURTON

10  
11 I, MARK RYAN, a plaintiff in this action have read the foregoing complaint and know the contents  
12 thereof. The same is true of my own knowledge, except as to those matters which are therein stated  
13 on information and belief, and as to those matters, I believe it to be true.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
15 and correct.

16 Executed this \_\_\_\_ day of July, 2000 at Encino, California.

17  
18 MARK RYAN

19 I, BONNIE MOUND, guardian ad litem of MICHAEL E., a plaintiff in this action have read the  
20 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except  
21 as to those matters which are therein stated on information and belief, and as to those matters, I  
22 believe it to be true.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
24 and correct.

25 Executed this 19 day of July, 2000 at Encino, California.

26 Bonnie Mound  
27 BONNIE MOUND, guardian ad  
28 litem of MICHAEL E.

SHORT TITLE: BURTON v. COLLINS-RECTOR, et al

CASE NUMBER

LC053103

### CIVIL CASE COVER SHEET ADDENDUM CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO DISTRICT

This form is required in all new civil case filings in the Los Angeles Superior Court

I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

☒ JURY OR ☐ NON-JURY AND CLASS ACTION? ☐ YES ☒ NO TIME ESTIMATED FOR TRIAL 14 ☐ HOURS/ ☒ DAYS.

II. Select the correct district (4 steps):

- 1 After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column 1, the Civil Case Cover Sheet case type you selected.
- 2 Check one Superior Court type of action in Column 2 which best describes the nature of this case.
- 3 In Column 3 below, circle the reason for your choice of district that applies to the type of action you have checked.

#### Applicable Reasons for Choosing District (See Column 3 below)

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Class Actions must be filed in Central District.</li> <li>2. May be filed in Central (Non-PI/PD/Out-of-county PI/PD)</li> <li>3. District where cause of action arose.</li> <li>4. District where injury, death or damage occurred.</li> <li>5. District where performance is expressly required.</li> </ol> | <ol style="list-style-type: none"> <li>6. District where property is located.</li> <li>7. District where petitioner resides.</li> <li>8. District where defendant/respondent functions wholly therein.</li> <li>9. District where one or more of the parties reside.</li> <li>10. District where Labor Commissioner Office located.</li> </ol> |
|--|--|

4 Fill in the information requested on page 4 in item III; complete item IV. Sign the certificate.

	-1- Civil Case Cover Sheet Category No.	-2- Type of Action (Check only one)	-3- Applicable Reasons - See Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Dam./Wrongful Death Is this an uninsured motorist case? <input type="checkbox"/> Yes <input type="checkbox"/> No	1., 2., 4.
	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Other PIP/PD/WD Tort	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
	Other PI/PD/WD (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input checked="" type="checkbox"/> A7230 Intentional PI/PD/WD (e.g., assault, vandalism, etc.)	1., 2., ④
Non-PI/PD/WD (Other)		<input type="checkbox"/> A7220 Other Personal Injury/Property Dam./Wrongful Death	1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3., 5.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.
	Prof. Negligence (25)	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 3.
		<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.

LC053103

SHORT TITLE: BURTON v. COLLINS-RECTOR, et al

CASE NUMBER

Judicial Review (continued)

Provisionally Complex Litig.

Enforcement of Judgment

Misc. Civ. Cmplts

Misc. Civil Petitions

-1- Civil Case Cover Sheet Category No.	-2- Type of Action (Check only one)	-3- Applicable Reasons - See Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Oth. Jud. Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
Antitrust/Trade Reg. (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Cim. Inv. Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litig. (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Tox. Tort/Environm (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Ins Coverage Clms from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering Case	1., 2., 8.
Other Complaints: (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Ptnrshp/Corp. Gov.(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil/Workplace Harassment <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

-4-

NAME, ADDRESS AND TELEPHONE NUMBER  
OF ATTORNEY(S)

Daniel J. Cheren (SBN: 175475)  
 CHEREN & ASSOCIATES  
 15915 Ventura Blvd., PH2  
 Encino, CA 91436  
 (818) 990-7700  
 FAX: (818) 990-9888  
 Attorney(s) For Plaintiffs

## FILE STAMP

**FILED**  
 LOS ANGELES SUPERIOR COURT

JUL 20 2000

JOHN A. CLARKE, CLERK



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

ALEXANDER BURTON; MARK RYAN; and MICHAEL E., a minor,  
 by and through his Guardian ad Litem, BONNIE MOUND,  
 Plaintiffs,

MARC COLLINS-RECTOR; CHAD SHACKLEY; BROCK PIERCE;  
 DIGITAL ENTERTAINMENT NETWORK, INC.; DOES 1 through 100,  
 inclusive; and ABC CORPORATIONS 1 through 100, inclusive.  
 Defendants.

## CASE NUMBER

LC053103

PETITION FOR APPOINTMENT  
OF GUARDIAN AD LITEM,  
AND ORDER

## I. PETITION BY MINOR (if minor is 14 years or older).

I declare under penalty of perjury under the laws of the State of California that the following is true:

- A. I am the ☒ plaintiff ☐ defendant in the above-entitled action.
- B. I am a minor of the age of 17 years, having been born on August 7, 1982  
 (BIRTHDATE)
- C. Appointment of a guardian ad litem is necessary because I have no general guardian.
- D. BONNIE MOUND is my Mother  
 (NAME OF PROPOSED GUARDIAN) (PARENT/RELATIVE/FRIEND)
- E. Therefore, I request that BONNIE MOUND be appointed guardian ad litem  
 for me in this action. (NAME OF PROPOSED GUARDIAN)
- F. This declaration is executed this date: July 18, 2000.

  
 (SIGNATURE OF MINOR PETITIONER)

MICHAEL E.

## CONSENT OF PROPOSED GUARDIAN, for minor 14 or older.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true:

- A. I consent to the appointment of myself as guardian ad litem for MICHAEL E.  
 in this action. (NAME OF MINOR)
- B. I have no interest adverse to the interest of the minor.
- C. This declaration is executed this date: July 18, 2000.

  
 (SIGNATURE OF PROPOSED GUARDIAN)

BONNIE MOUND

-(OVER)-