

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Christopher Tayback (Bar No. 145532)
3 christayback@quinnemanuel.com
4 Randa Osman (Bar No. 150798)
5 randaosman@quinnemanuel.com
6 Justin Griffin (Bar No. 234675)
justingriffin@quinnemanuel.com
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

7 Attorneys for Plaintiff

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11
12 WILLIAM H. COSBY, JR.

13 Plaintiff,

14 vs.

15 BEVERLY JOHNSON.

16 Defendant.
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO.

BC 6 0 4 8 4 5

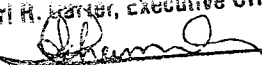
COMPLAINT FOR:

1. DEFAMATION
2. DEFAMATION PER SE
3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

DEC 21 2015

Sherri H. Harker, Executive Office/Clerk
By: , Deputy
Ishayla Chambers

1 Plaintiff William H. Cosby, Jr. ("Mr. Cosby"), by and through his
2 undersigned counsel, brings this action against Defendant Beverly Johnson
3 ("Defendant") for her false, malicious, opportunistic, and defamatory accusations
4 that Mr. Cosby drugged her.

5 PRELIMINARY STATEMENT

6 1. Mr. Cosby is an internationally known American comedian, actor, and
7 philanthropist. Beginning with his novel television work as a young African
8 American actor on *I Spy*, the transformative cultural impact of *The Cosby Show*, and
9 continuing throughout the past half-century as a philanthropist dedicated to
10 promoting social justice issues with his involvement and contributions to causes
11 from education to sickle cell anemia, Mr. Cosby prides himself on the legacy and
12 reputation he has earned throughout his life, particularly as an entertainer and
13 philanthropist. Mr. Cosby is a Grammy Award winner, an Emmy Award winner, a
14 1998 Kennedy Center Honors recipient, and in 2002 Mr. Cosby was awarded the
15 Presidential Medal of Freedom.

16 2. The honorable legacy and reputation that Mr. Cosby has long
17 cultivated, however, has been tarnished. In late 2014, unsubstantiated and false
18 accusations of sexual assault against Mr. Cosby were reported in the press. Despite
19 the recent barrage of unsubstantiated accusations, Mr. Cosby has never been found
20 liable by *any* Court for any sexual misconduct.

21 3. Seeing an opportunity to thrust herself back into the spotlight and
22 attempt to revive her flagging career as a model, actress, and public personality, in
23 December 2014, Defendant joined the campaign to assassinate Mr. Cosby's
24 reputation and character by willfully, maliciously, and falsely accusing Mr. Cosby
25 of drugging her at his home in New York, and suggesting he did so in an effort to
26 have sex with Defendant. Defendant's false allegations against Mr. Cosby have
27 been the centerpiece of her attempted resurgence and she has played them to the hilt,
28 repeatedly and maliciously publishing the false accusations in articles, interviews,

1 and television appearances. She has recently published a memoir, which makes the
2 same false statements, and has used those false allegations as a basis to generate
3 interest in, and promote sales of, her book.

4 4. Defendant's accusations are entirely fabricated, and nothing more than
5 an opportunistic attempt to resuscitate her own career and benefit herself financially
6 from the wave of media attention surrounding her false allegations against
7 Mr. Cosby. Mr. Cosby never drugged Defendant and her story is a lie.

8 5. Defendant made all of her false accusations against Mr. Cosby with full
9 knowledge of their falsity. Mr. Cosby brings this lawsuit to seek redress for the
10 injury and damages caused by Defendant's malicious and unlawful conduct.

11 **PARTIES**

12 6. Plaintiff William H. Cosby, Jr. is an internationally known American
13 comedian, actor, and philanthropist. Mr. Cosby resides in Massachusetts.

14 7. Defendant Beverly Johnson is a model, actress, and businesswoman.
15 Defendant resides in California.

16 **JURISDICTION AND VENUE**

17 8. This Court has personal jurisdiction over Defendant because she is a
18 resident of and does business in the state of California, and owns real property in the
19 State of California.

20 9. Venue is proper in this county because Defendant does business in this
21 county, and because a substantial part of the alleged events giving rise to
22 Mr. Cosby's claims occurred in this county, including but not limited to Defendant's
23 interviews on the *Dr. Phil* show and *Larry King Now*, both of which are filmed in
24 Los Angeles.

25 **FACTUAL ALLEGATIONS**

26 10. In late 2014, a wave of unsubstantiated accusations of sexual assault
27 against Mr. Cosby were widely reported by the press. Mr. Cosby has never been
28 found liable by *any* Court for any sexual misconduct or for drugging anyone.

1 11. Beginning in November 2014 and through at least November 2015,
2 Defendant has sought to capitalize on the media frenzy by publishing her own false
3 accusations. Defendant repeatedly, willfully, maliciously, and falsely accused
4 Mr. Cosby of drugging her in the 1980's. Although Defendant's allegations are
5 false, she asserted them in an opportunistic attempt to benefit herself financially and
6 generate publicity for herself.

7 12. Defendant is a public personality and no stranger to making salacious
8 public allegations even before her false assertions about Mr. Cosby. She previously
9 made allegations of abuse against two of her boyfriends, neither of which resulted in
10 charges or any finding of liability.

11 13. Defendant has repeated her lies about Mr. Cosby drugging her to every
12 media publication, newspaper, magazine, or TV show that will hear her, including
13 *Vanity Fair*, *People*, *The View*, *Nightline*, *Good Morning America*, *Dr. Phil*, *Larry*
14 *King Now* and various online outlets. As intended by Defendant, these false
15 statements have been reported and repeated many times. On information and belief,
16 until Defendant obtained publicity for herself based on her false stories about
17 Mr. Cosby, Defendant's career was on the wane, and those same media outlets had
18 little or no interest in her.

19 14. Defendant first began making her false claims that Mr. Cosby drugged
20 her in an attempt to sexually assault her in an article authored by Defendant and
21 published on November 30, 2014 by *Vanity Fair*. In relevant part, Defendant's
22 statements therein stated:

- 23 • "Cosby's handlers invited me to a taping of the show so I could get the lay
24 of the land and an idea of what my role required. After the taping I met
25 all the cast and then met with Cosby in his office to talk a bit about the
26 hell I'd been through in my marriage."
- 27 • "I brought my daughter to the next taping I attended. Afterward, Cosby
28 asked if I could meet him at his home that weekend to read for the part.

1 . . . When my daughter and I visited Cosby's New York brownstone,
2 his staff served us a delicious brunch. Then he gave us a tour of the
3 exceptional multi-level home."

- 4 • "Cosby suggested I come back to his house a few days later to read for
5 the part. I agreed, and one late afternoon the following week I
6 returned. His staff served a light dinner and Bill and I talked more
7 about my plans for the future. After the meal, we walked upstairs to a
8 huge living area of his home that featured a massive bar. A huge brass
9 espresso contraption took up half the counter. . . . Cosby said he wanted
10 to see how I handled various scenes, so he suggested that I pretend to
11 be drunk. . . . As I readied myself to be the best drunk I could be, he
12 offered me a cappuccino from the espresso machine. I told him I didn't
13 drink coffee that late in the afternoon because it made getting to sleep
14 at night more difficult. He wouldn't let it go. He insisted that his
15 espresso machine was the best model on the market and promised I'd
16 never tasted a cappuccino quite like this one. . . . I took a few sips of
17 the coffee just to appease him."

- 18 • "I knew by the second sip of the drink Cosby had given me that I'd
19 been drugged—and drugged good. . . . As I felt my body go completely
20 limp, my brain switched into automatic-survival mode. That meant
21 making sure Cosby understood that I knew exactly what was happening
22 at that very moment. 'You are a motherfucker aren't you?' That's the
23 exact question I yelled at him as he stood there holding me, expecting
24 me to bend to his will. I rapidly called him several more
25 'motherfuckers.' By the fifth, I could tell that I was really pissing him
26 off. At one point he dropped his hands from my waist and just stood
27 there looking at me like I'd lost my mind."

1 • “What happened next is somewhat cloudy for me because the drug was in
2 fuller play by that time. I recall his seething anger at my tirade and then
3 him grabbing me by my left arm hard and yanking all 110 pounds of me
4 down a bunch of stairs as my high heels clicked and clacked on every
5 step. . . . It was still late afternoon and the sun hadn’t completely gone
6 down yet. When we reached the front door, he pulled me outside of the
7 brownstone and then, with his hand still tightly clenched around my arm,
8 stood in the middle of the street waving down taxis. When one stopped,
9 Cosby opened the door, shoved me into it and slammed the door behind
10 me without ever saying a word. I somehow managed to tell the driver my
11 address and before blacking out, I looked at the cabbie and asked, as if he
12 knew: ‘Did I really just call Bill Cosby ‘a motherfucker?’”

13 • “It took a few days for the drug to completely wear off and soon I had
14 to get back to work. I headed to California for an acting audition. Not
15 long after arriving, I decided I needed to confront Cosby for my own
16 sanity’s sake. . . . I dialed the private number he’d given me expecting
17 to hear his voice on the other end. But he didn’t answer. His wife did.
18 A little shocked, I quickly identified myself to her in the most
19 respectful way possible and then asked to speak to Bill. Camille
20 [Cosby] politely informed me that it was very late, 11:00 P.M. and that
21 they were both in bed together. I apologized for the late call and
22 explained that I was in Los Angeles and had forgotten about the three-
23 hour time difference. I added that I would call back tomorrow. I didn’t
24 call back the next day or any other day after that.”

25 15. Defendant’s story is unequivocally false and fabricated. Mr. Cosby
26 never drugged Defendant at his home in New York or at any other place or any
27 other time. In fact, the dinner shared by Mr. Cosby and Defendant was at a New
28 York restaurant with Mrs. Cosby present. Defendant and Mr. Cosby never dined

1 alone in Mr. Cosby's home, and never spent any time alone together in Mr. Cosby's
2 home ever.

3 16. Defendant has told this false tale time and again since the November
4 30, 2014 article. Each telling includes the lie that Mr. Cosby drugged her, although
5 other aspects of the story change.

6 17. Among Defendant's other false statements about Mr. Cosby are the
7 following:

8 A. December 11, 2014 Statements on ABC News *Nightline*. On
9 December 11, 2014, an interview of Defendant was aired on *Nightline* and defendant
10 repeated her allegations. The interview was very similar to the November 30th *Vanity*
11 *Fair* article but did not include any mention of Defendant's daughter being at
12 Mr. Cosby's home. Defendant again made her false allegation of being drugged
13 stating: "I took a couple sips of the cappuccino and from the first sip, and then the
14 second sip I knew I had been drugged." This time, Defendant falsely and baselessly
15 raised the specter of potentially being raped, in the context of affirmatively stating that
16 she felt lucky for not being raped – "I feel very lucky that I wasn't raped, I don't think I
17 was raped."

18 B. December 12, 2014 Statements on *The View*. On December 12,
19 2014, Defendant gave a television interview on *The View*. Defendant repeated her
20 allegations that Mr. Cosby drugged her at his home in New York virtually verbatim,
21 though she tweaked the story slightly. This time Defendant claimed that she knew she
22 had been drugged after the "first sip," when she says, "the room started to spin a little
23 right away, and then I took another sip and then it was coming on like a moving train –
24 meaning the drug. And at that moment I knew I'd been drugged." Defendant again
25 falsely and baselessly suggested in this telling that she might have been raped when she
26 stated "I don't think so no," in response to the question of whether she was raped by
27 Mr. Cosby.
28

1 C. July 7, 2015 Statements in People Magazine. On July 7, 2015,
2 *People* magazine published an interview with Defendant in which she used her
3 accusations against Mr. Cosby as a pulpit to discuss victim's rights. Defendant stated
4 that with respect to Mr. Cosby's "actions against many women, including myself, the
5 most unfortunate thing is the lesson we are teaching children about the worth of a
6 woman's body." Defendant continued, "as this conversation on Cosby's actions
7 continues, I hope that anyone with kids is thinking of teaching them that no one has the
8 right to another's body of sexuality." The clear implication of Defendant's statements
9 on this occasion are that Mr. Cosby drugged her and perhaps drugged and raped others,
10 which allegations are false.

11 D. Memoir Published on August 25, 2015. On August 25, 2015,
12 Defendant's memoir titled *The Face That Changed It All* was published. Defendant
13 devoted an entire chapter to her false account regarding Mr. Cosby, publishing anew
14 her false accusations that Mr. Cosby drugged her at his home in New York:

15 As I concentrated on portraying the best drunk I could,
16 Mr. Cosby made a cappuccino and offered it to me. I
17 declined . . . He kept insisting that I'd never had a
18 cappuccino like this one, and I'd be missing out on
19 something spectacular. I didn't want to argue with him
20 after he'd been so gracious, so against my better judgment
21 I took a few sips. In an instant, I felt woozy. I certainly
22 had enough experience with mood enhancers to know the
23 way they make you feel, and the room had begun spinning
24 around me. . . . As we met in the center of the room, he put
25 his hands around my waist, and I put my hand on his
26 shoulder to ensure I wouldn't fall down. All of a sudden,
27 the impact of what was happening to me really set in and I
28 became enraged. I believed that Mr. Cosby had drugged
me. . . . Later, I decided to call Mr. Cosby and ask him
what had happened. I used the number he had given me,
and his wife, Camille, answered. She told me that she and
Bill were both in bed, and that was that.

Defendant's false allegations against Mr. Cosby were, and continue to be, the
centerpiece of the media tour surrounding Defendant's memoir.

E. September 10, 2015 Statements on Dr. Phil. On September 10,
2015, Defendant's interview promoting her memoir appeared on the *Dr. Phil* show.

1 Defendant there stated falsely that Mr. Cosby drugged her at his home in New York.
2 Defendant claimed Mr. Cosby invited her to his home to rehearse and offered her a
3 cappuccino, which she initially refused but Mr. Cosby insisted so she eventually
4 graciously drank the cappuccino, which was drugged:

5 Defendant: "I said oh no thank you I don't drink coffee,
6 you know and he says on no you you're going to loooove
this cappuccino, so he gave me this, cappuccino."

7 Dr. Phil: "It was spiked."

8 Defendant: "Yes it was."

9 Dr. Phil: "And how quickly did you know it was spiked?"

10 Defendant: "Immediately."

11 Dr. Phil: "It hit you quick."

12 Defendant: "Yes. It comes on like a train. Its like, it was
13 so strong and so powerful."

14 Defendant then describes cursing Mr. Cosby out, being "livid," "outraged and
15 afraid, scared out of [her] mind" and worrying about "finding a safe place," then
16 Mr. Cosby dragging her outside and throwing her into a taxi. This time Defendant
17 made no mention of possibly being raped, but attempted to add drama to her story
18 by claiming that she ran into Mr. Cosby in an airport *after her memoir was*
19 *published in 2015* and considered confronting him, but chose not to because she was
20 afraid of being arrested:

21 So everything is fresh, and then I'm in a little airport and
22 here comes Mr. Cosby walking, boom, boom, boom
[suggesting walking] and you know when you see
23 someone and you are going to say hi like you recognize
24 them, and he went to speak and then went [mimes
someone being shocked and retreating] and just walked
25 past me like I didn't even exist. And I'm thinking that I'm
going to go over there and I'm going to give him a piece
of my mind. I going, 'Beverly you're really, really angry
and emotional, you'll be arrested', so I didn't say
26 anything.

27 This story, like everything else Defendant has claimed about Mr. Cosby is false.
28 Mr. Cosby was not knowingly at any airport with Defendant in 2015, after

1 Defendant published her memoirs. Moreover, Mr. Cosby has suffered from a
2 degenerative eye condition for years which has steadily worsened recently to the
3 point that he for over a year has been legally and functionally blind, such that he
4 could not have seen her or mimicked being shocked about seeing her. This part of
5 Defendant's story, like all the rest, is false.

6 F. September 2015 Statements on *Larry King Now*. In September
7 2015, Defendant gave a video interview on the *Larry King Now* show. Defendant
8 repeated her allegations that Mr. Cosby drugged her at his home in New York:

9 What happened was, and it's well documented that I had
10 gone to the studio a couple times to watch the Cosby
11 show, I brought my daughter and we watched the taping. I
12 took my daughter to the brownstone one time, we had
13 breakfast . . . , we met family members, the art collection,
14 the wonderful brownstone, and then on the fourth visit
15 where we were supposed to actually rehearse . . . I was
16 going to be on the show, maybe the reoccurring role of the
17 sister blah, blah, blah, blah, blah, and then the
18 cappuccino. . . . And it was immediate, as soon as I took
19 the first sip I knew, and then I took a second sip and it was
20 like, I was so disappointed. I was like, I mean, it was like
21 where do I go before I pass out, where can I go safely
22 before – before that I looked him dead in the eye and just
23 called him, you know a number of names

17 18. All of Defendant's accusations that Mr. Cosby drugged her are entirely
18 false and fabricated. Mr. Cosby never drugged Defendant or tried to sexually
19 assault Defendant at his home in New York or at any other place or any other time.

20 19. Defendant intentionally made and published the false and defamatory
21 statements with actual malice, knowledge of, and reckless disregard as to the falsity
22 of those statements because Defendant knew that Mr. Cosby never drugged her.

23 FIRST CLAIM FOR RELIEF

24 (Defamation Per Se)

25 20. Mr. Cosby realleges and incorporates by reference each of the
26 foregoing allegations as if fully set forth herein.

27 21. At all relevant times, Mr. Cosby enjoyed the respect, confidence and
28 esteem of his neighbors, as well as others in the community.

1 22. As set forth above, Defendant published to one or more third parties
2 many false and defamatory statements concerning Mr. Cosby.

3 23. Defendant intentionally made and published the false and defamatory
4 statements with actual malice, knowledge of, and reckless disregard as to the falsity
5 of those statements because Defendant knew that Mr. Cosby never drugged her.

6 24. Defendant's false statements were defamatory because they held
7 Mr. Cosby up to hatred, distrust, contempt, disgrace, scorn, and ridicule among
8 considerable and respectable segments of the community, including from the media
9 coverage and public reaction to Defendant's false and defamatory statements.

10 25. Defendant's false statements were defamatory *per se* because they
11 falsely impute that Mr. Cosby engaged in criminal conduct.

12 26. Defendant's false and defamatory statements have proximately caused
13 and continue to cause Mr. Cosby to suffer substantial injuries and damages
14 including, but not limited to, tarnishment of reputation and public image, delay
15 and/or cancellation of pending contracts, shame, mortification, hurt feelings,
16 damages to property, business, trade, profession, and occupation.

17 **SECOND CLAIM FOR RELIEF**

18 **(Defamation)**

19 27. Mr. Cosby realleges and incorporates by reference each of the
20 foregoing allegations as if fully set forth herein.

21 28. At all relevant times, Mr. Cosby enjoyed the respect, confidence and
22 esteem of his neighbors, as well as others in the community.

23 29. As set forth above, Defendant published to one or more third parties
24 many false and defamatory statements concerning Mr. Cosby.

25 30. Defendant intentionally made and published the false and defamatory
26 statements with actual malice, knowledge of, and reckless disregard as to the falsity
27 of those statements because Defendant knew that Mr. Cosby never drugged her.
28

1 31. Defendant's false statements were defamatory because they held
2 Mr. Cosby up to hatred, distrust, contempt, disgrace, scorn, and ridicule among
3 considerable and respectable segments of the community, including from the media
4 coverage and public reaction to Defendant's false and defamatory statements.

5 32. Defendant's false and defamatory statements have proximately caused
6 and continue to cause Mr. Cosby to suffer substantial injuries and damages
7 including, but not limited to, tarnishment of reputation and public image, delay
8 and/or cancellation of pending contracts, shame, mortification, hurt feelings,
9 damages to property, business, trade, profession, and occupation.

10 **THIRD CLAIM FOR RELIEF**

11 **(Intentional Infliction of Emotional Distress)**

12 33. Mr. Cosby realleges and incorporates by reference each of the
13 foregoing allegations as if fully set forth herein.

14 34. Defendant intentionally engaged in a campaign to assassinate
15 Mr. Cosby's reputation and character by willfully, maliciously, and falsely accusing
16 Mr. Cosby of drugging her in an opportunistic attempt to extract financial gain from
17 her allegations.

18 35. Defendant's conduct was extreme and outrageous and beyond all
19 possible bounds of decency because, among other things, falsely accusing another of
20 drugging you with the intent of committing a sexual assault is morally repugnant
21 and subjected Mr. Cosby to severe emotional distress from public ridicule, shame,
22 and contempt of such a nature that no reasonable person could be expected to endure
23 it.

24 36. As a direct and proximate cause of Defendant's intentional, extreme,
25 outrageous, and morally repugnant conduct, Mr. Cosby has suffered and continues
26 to suffer from severe emotional distress including, but not limited to, tarnishment of
27 reputation and public image, shame, mortification, hurt feelings, and shock and
28 harm to his peace of mind by Defendant's intentional invasion of Mr. Cosby's

1 mental and emotional tranquility and other special and general damages according
2 to proof.

3 37. The extreme and outrageous conduct of Defendant as alleged herein
4 was malicious, despicable, or oppressive in that Defendant acted with full
5 knowledge of the consequences to Mr. Cosby with the intent to discredit him, harm
6 his reputation, harass, or retaliate against Mr. Cosby with willful, conscious,
7 wanton, and reckless disregard for his rights and for the deleterious consequences
8 and cruel and unjust hardship resulting to Mr. Cosby from the conduct of Defendant.
9 Accordingly, Mr. Cosby is entitled to punitive damages in an amount to be proven at
10 trial.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Mr. Cosby respectfully prays for judgment and relief as
13 follows:

14 1. An award for compensatory damages according to proof, but in an
15 amount no less than the jurisdictional minimum for this Court;

16 2. An award for punitive damages to the maximum extent permitted by
17 law;

18 3. A permanent injunction enjoining Defendant from continuing to
19 publish her defamatory statements;

20 4. An injunction requiring Defendant to publically issue a statement and
21 press release retracting and correcting her defamatory statements, including removal
22 of the chapter on Mr. Cosby from future distribution of Defendant's memoir and for
23 unsold copies of the Defendant's memoir with the chapter on Mr. Cosby to be
24 removed from circulation;

25 5. An award of all costs and fees in this action, including attorneys' fees
26 and pre- and post-judgment interest; and

27 6. All other such relief as this Court deems just and proper.
28

- 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

DATED: December 21, 2015

By

Attorneys for Plaintiff William H. Cosby, Jr.