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Attorneys for Plaintiff
BRETT RATNER

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAI‘I

BRETT RATNER,)	CIVIL NO. <u>17-00542</u>
)	
Plaintiff,)	
)	COMPLAINT FOR DAMAGES;
)	DEMAND FOR JURY TRIAL
vs.)	
)	
MELANIE KOHLER, and JOHN)	
and/or JANE DOES 1-10,)	
)	
Defendants.)	
_____)	

COMPLAINT FOR DAMAGES

Plaintiff BRETT RATNER, by and through his undersigned attorneys, alleges as follows:

INTRODUCTION

(1) This is an action for defamation arising from the Defendant’s deliberately false and malicious accusations that Plaintiff raped the Defendant “about 12 years ago.”

JURISDICTION AND VENUE

(2) Jurisdiction is proper in this case pursuant to 28 U.S.C. § 1332, as the parties are citizens of different states and the amount in controversy exceeds seventy-five thousand dollars (\$75,000) exclusive of interest and costs.

(3) Venue is proper in the District of Hawai‘i because the events giving rise to the claims occurred in Honolulu, Hawai‘i, and the named Defendant is a resident of the State of Hawaii.

PARTIES

(4) Plaintiff BRETT RATNER [hereinafter “Plaintiff”] is an accomplished and well known film director and producer who resides in Los Angeles and is and has been a citizen of the State of California at all times relevant hereto.

(5) Plaintiff is informed and believes and thereupon alleges that Defendant MELANIE KOHLER [hereinafter “Defendant”] is and has been a resident and citizen of the State of Hawai‘i at all times relevant hereto.

(6) Defendants JOHN and/or JANE DOES 1-10 are associates, co-actors, partners, officers, employees, agents, and/or representatives of the named Defendant whose true names and capacities are as yet unknown to Plaintiff and his attorneys despite due diligence and inquiry and who acted herein with or on behalf of the named Defendant as set forth below. The true names and capacities of the Doe Defendants will be substituted as they become known.

FACTUAL ALLEGATIONS

(7) Commencing on or about October 20, 2017, Defendant recklessly and/or intentionally posted a statement on her Facebook page claiming that “Brett Ratner raped [her];”

Ratner “was a rapist on at least one night in Hollywood about 12 years ago;” and Ratner “preyed on me as a drunk girl [and] forced himself upon me.”

(8) Plaintiff contends that the Defendant’s aforementioned statement is entirely false, fabricated, and fictional.

(9) Plaintiff contends that the Defendant’s aforementioned statement was published by the Defendant with knowledge of its falsity, maliciously, and with the intent to harm Plaintiff’s reputation and standing.

(10) Plaintiff is informed and believes, and thereupon alleges that the aforementioned statement constitutes libel per se.

(11) The Defendant did not have permission and was in no way privileged to publish her statement about Plaintiff in which she describes him as “a rapist.”

(12) As a direct and proximate result of the Defendant’s defamatory statement Plaintiff has suffered injuries to his personal and professional reputations in amounts to be proven at trial.

(13) As a direct and proximate result of the foregoing Plaintiff has suffered emotional distress, worry, anger, and anxiety in amounts to be proven at trial.

WHEREFORE Plaintiff prays for relief as follows:

- (1) Special and general damages according to the proof thereof at trial;
- (2) Punitive damages;
- (3) For reimbursement of Plaintiff’s costs and expenses herein, including reimbursement of reasonable attorney’s fees; and
- (4) For such further and additional relief as the court deems appropriate and just.

DATED: Honolulu, Hawai'i, November 1, 2017.

/s/ Eric A. Seitz

ERIC A. SEITZ

DELLA A. BELATTI

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
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BRETT RATNER,)	CIVIL NO. <u>17-00542</u>
)	
Plaintiff,)	
)	
vs.)	DEMAND FOR JURY TRIAL
)	
MELANIE KOHLER, and JOHN)	
and/or JANE DOES 1-10,)	
)	
Defendants.)	
_____)	

DEMAND FOR JURY TRIAL

Plaintiff BRETT RATNER, by and through his undersigned attorneys, hereby demands a jury trial as to all issues so triable herein.

DATED: Honolulu, Hawai'i, November 1, 2017.

/s/ Eric A. Seitz
ERIC A. SEITZ
DELLA A. BELATTI

Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
BRETT RATNER
(b) County of Residence of First Listed Plaintiff Los Angeles, CA
(c) Attorneys (Firm Name, Address, and Telephone Number)
Eric A. Seitz, AAL, ALC
820 Mililani Street, Suite 714, Honolulu, Hawaii 96813
Tel: (808) 533-7434 E-mail: eseitzatty@yahoo.com

DEFENDANTS
MELANIE KOHLER
County of Residence of First Listed Defendant Honolulu, HI
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 X 1
Citizen of Another State X 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC section 1332
Brief description of cause:
Defamation

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: X Yes 0 No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 11/01/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Eric A. Seitz

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.