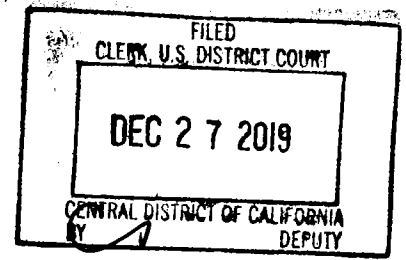


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VINCENT W. SHACK
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VINCENT W. SHACK, IN PRO PER

EDCV19-2494-PA (SPx)

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

VINCENT W. SHACK,
Plaintiff,

vs.

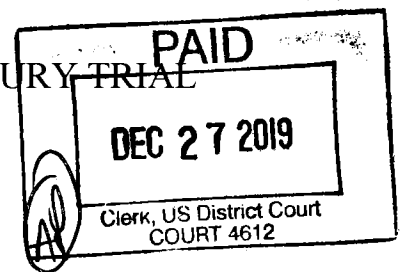
NBC UNIVERSAL MEDIA, LLC
~~et~~
IMG WORLDWIDE, INC,
LADIES PROFESSIONAL GOLF
ASSOCIATION,
SAMSUNG ELECTRONICS
AMERICA INC., AND DOES 1 TO
5010

Defendant.

No. Case Number

Transfer of Case from the state of
California to Federal Court

DEMAND FOR JURY TRIAL



The plaintiff alleges misuse of the United States Constitutional First Amendment “freedom of speech” through the utilization of the Strategic Lawsuits Against Public Participation,” (SLAPP) civil code 425.16 by the named defendants. Although the Superior Court tentative ruling warned the defendants the SLAPP motion was premature and should not be filed against a Cause of Action. The plaintiff indicates being denied Leave from the Fourth (4th) District Court of Appeal which would have

COMPLAINT

1 permitted the State California General Counsel to gain proper jurisdiction to review the
2 plaintiff's Victim Government Claim filing. The plaintiff also alleges intentional torts,
3 violent criminal act of physical battery at the hands of the defendant, infliction of
4 emotional distress, deceit, and nuisance, all of which resulted in a "violation of
5 Plaintiff's Civil Rights ('Singled Out'). The intentional torts were dismissed as a result
6 of the utilization of the SLAPP motion. The element of battery and personal injury was
7 never properly disposed of.

8 I. JURISDICTION

9 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 in that the
10 controversy arises under the United States Constitution. The district courts shall have
11 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties
12 of the United States. Each and all of the acts (or threats of acts) alleged herein were
13 done by defendants, or their officers, agents, and employees, under color and pretense
14 of the statutes, ordinances, regulations, customs and usages of the NBC et al.

15 II. VENUE

16 2. Venue is proper in this district under 28 U.S.C. §1331 because a substantial part of
17 the event giving rise to the claims in this action occurred in this district.

18 III. PARTIES

19 3. Plaintiff's name is Vincent W. Shack. Plaintiff resides at: 64337 Doral Drive Desert
20 Hot Springs, California 92240

21 4. Defendant names are

22 IMG WORLDWIDE & LPGA Paul V. Wayne, Esq. Tharpe & Howell 15250 Ventura
23 Boulevard, Ninth Floor Sherman Oaks, California 91403-3221

24 SAMSUNG AMERICA Wesley D. Hellerud, Esq. KINKLE, RODIGER AND
25 SPRIGGS 3333 Fourteen Street Riverside, CA 92501

26 NBC UNIVERSAL MEDIA GROUP Paul K. Schriffer, Esq. P.K. SCHRIEFFER, LLP
27 100 N. Barranca Avenue, Suite 1100 West Covina, CA 91791

28 LADIES PROFESSIONAL GOLF ASSOCIATION Eric Bruce Kunkel, Esq. Tharpe

1 & Howell, LLP 15250 Ventura Blvd., 9th Floor Sherman Oaks, CA 91403

2 IV. STATEMENT OF FACTS

3 1

4 On October 11, 2007, Mr. Vincent Shack purchased tickets to attend a professional
5 golfing event at the 2007 Samsung World Championship at the Bighorn Country Club
6 in Palm Desert, California.

7 2

8 Mr. Shack alleges on the 18th hole of the green after an errant tee-shot he moved one
9 or two steps to clear the path so the play could continue. As Shack moved out of the
10 path of the errant ball, Dan Beard struck Shack with either his camera or forearm and
11 "spewed derogatory language toward" Shack. Shack was "visibly shaken and suffered
12 immediate and serious injury" to his "neck area, among other physical and mental
13 injuries."

14 3

15 Shack further alleged that at the end of the day tournament security personnel
16 approached him and informed him that Beard had filed a complaint alleging Shack had
17 threatened him. Beard initially provided a false statement to the police (EXHIBIT A)
18 where he indicates the plaintiff stated he would cut him. Beard pointed to Shack as he
19 was walked towards the clubhouse to report he had been battered by Beard. The police
20 immediately pursued Shack and asked that he empty his pockets. Shack willingly
21 emptied all his pockets and no weapon was observed. The police returned to Beard and
22 informed him Shack did not have a weapon. Beard then changed his story and said he
23 really didn't hear Shack say he had a knife.

24 4

25 Shack then sought out and spoke with the head of security for the tournament, who
26 informed him that no charges would be filed and he was free to attend the tournament
27 on the following day, October 12.

28 5

1 On October 12 when Shack attempted to purchase a ticket and to enter the tournament
2 he was denied.

3 6

4 Police officers "removed" him from the tournament "in a manner that was
5 unnecessarily aggressive, demeaning and demoralizing. These humiliating and
6 debasing acts were committed in front of the golf community," which Shack relied
7 upon for "professional opportunities."

8 7

9 Shack alleged his forcible removal from the tournament on October 12 caused him
10 "great embarrassment and emotional distress," and described defendants' conduct on
11 October 12" as "equally if not more outrageous" than Beard's act of striking him in the
12 neck and spewing derogatory comments toward him on October 11.

13 8

14 In addition, on October 12, tournament personnel and security "specifically told"
15 Shack that IMG and Bighorn "did not want him" at the tournament.

16 9

17 Shack alleged that, in refusing him entry to the tournament on October 12, defendants
18 "failed to act reasonably, prudently and in good faith." Shack also alleged that Beard
19 and the other defendants, including IMG, the LPGA, NBC, and Samsung, falsely
20 reported to police and/or tournament security personnel that Shack threatened Beard as
21 a result of these reports, Shack was refused entry into the tournament on October 12
22 and was forcibly removed by police officers in a manner that was "unnecessarily
23 aggressive, demeaning and demoralizing"; and, finally, these actions humiliated Shack
24 in front of the golfing community upon which he relies for "professional opportunities.

25 10

26 On February 04, 2009 after three attempts to resolve the issue with the defendants
27 including one attempt by letter of performance written by California barred Attorney
28 Terry Lehr which was flatly ignored. Mr. Shack then filed a lawsuit against six

1 defendants (Dan Beard (camera man) IMG Worldwide, Inc. (IMG), Ladies
2 Professional Golf Association (the LPGA), NBC Universal, Inc. (NBC), Samsung
3 Electronics America, Inc. (Samsung), and Bighorn Properties, Inc. (Bighorn).

4 11

5 Shack alleged the six defendants were the agents or employees of each other, and the
6 five "entity defendants" were in some manner responsible for Beard's "outrageous
7 battery" and for their own actions in reporting to police and tournament security
8 personnel that Shack threatened Beard.

9 12

10 Shack indicates during a Superior Court hearing with Judge Evans. Judge Evans gave
11 Shack leave to amend the first complaint to clarify the liability of the defendants.

12 13

13 During Shack's leave Beard's attorney filed SLAPP motion.

14 14

15 The motion went unopposed by the plaintiff while on leave as given by the Courts to
16 submit a second amendment civil complaint clarifying the liability of the defendants
17 (Demurrer of the defendants).

18 15

19 During the time of Shack's permitted leave; the court granted Beard's (the 6th
20 defendant) motion for SLAPP.

21 16

22 Shack requested an ex parte hearing to address Beard's SLAPP suit motion which had
23 been granted by the Superior Court Judge.

24 17

25 The courts denied the plaintiff's request for the ex parte hearing although the SLAPP
26 motion ruling was rendered while the plaintiff was placed on leave to demurrer.

27 18

28 After realizing the court's granting the defendant Bearden SLAPP motion all other

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