

A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

INDEX # 150058/2009

MICHAEL VAZQUEZ,
Plaintiff(s)

VERIFIED
COMPLAINT

-against-

EXPOSURE COMMUNICATIONS LLC, GUASTAVINO'S, INC.,
CASIO AMERICA, INC., KANYE WEST and "JOHN DOES"
1-10 said name being fictitious as defendants true names are unknown.
defendant(s).

Plaintiff, MICHAEL VAZQUEZ, complaining of the defendants, by his attorneys,
GERSHBAUM & WEISZ, PC., Respectfully alleges as follows:

AS AND FOR A FIRST CAUSE OF
ACTION ON BEHALF OF PLAINTIFF, MICHAEL VAZQUEZ

- FIRST:** At all times herein mentioned, Plaintiff, MICHAEL VAZQUEZ, was and still is a resident of the State of New York.
- SECOND:** At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a foreign corporation, duly licensed and or authorized to do business in the State of New York.
- THIRD:** At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a partnership.
- FOURTH:** At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a limited partnership.
- FIFTH:** At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a sole proprietorship.
- SIXTH:** At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a unincorporated association

SEVENTH: At all times herein mentioned, defendant, EXPOSURE COMMUNICATIONS LLC, was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

EIGHTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

NINTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a foreign corporation, duly licensed and or authorized to do business in the State of New York.

TENTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a partnership.

ELEVENTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a limited partnership.

TWELFTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a sole proprietorship.

THIRTEENTH: At all times herein mentioned, defendant, GUASTAVINO'S, INC. was and still is a unincorporated association.

FOURTEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

FIFTEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a foreign corporation, duly licensed and or authorized to do business in the State of New York.

SIXTEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a partnership.

SEVENTEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a limited partnership.

EIGHTEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a sole proprietorship.

NINETEENTH: At all times herein mentioned, defendant, CASIO AMERICA, INC., was and still is a unincorporated association.

TWENTIETH: Upon information and belief, at all times hereinafter mentioned, defendant, KANYE WEST, was a resident of the State of New York.

TWENTY-FIRST: Upon information and belief, at all times hereinafter mentioned, defendant, KANYE WEST, was a resident of the County, City and State of New York.

TWENTY-SECOND: Upon information and belief, at all times hereinafter mentioned, defendant, KANYE WEST, maintains a residence in the County, City and State of New York.

TWENTY-THIRD: Upon information and belief, at all times hereinafter mentioned, defendant, KANYE WEST, was and still does conduct business in the State of New York.

TWENTY-FOURTH: On May 14, 2008, at or about 6:30 p.m., Plaintiff was lawfully on the premises known as and by 409 East 59th Street, County, City and State of New York.

TWENTY-FIFTH: On May 14, 2008, at or about 6:30 p.m., Plaintiff was lawfully on the premises known as and by 409 East 59th Street, County, City and State of New York, attending the "Casio G-Shock 25th Anniversary Celebration" (hereinafter "THE EVENT").

TWENTY-SIXTH: On May 14, 2008, at or about 6:30 p.m., Plaintiff was an invitee who was free from any negligence.

TWENTY-SEVENTH: On said date, Defendants, their agent, servants and or employees acting in the course and within the scope of their employment, negligently caused injuries to Plaintiff while attempting to remove him from the premises.

TWENTY-EIGHTH: Defendants were further negligent in failing to use proper care to remove Plaintiff from the premises and in failing to prevent the injuries to Plaintiff.

TWENTY-NINTH: On said date, plaintiff was caused to sustain serious and grievous personal injuries as a result of the actions of the employees of the defendants.

THIRTIETH: Plaintiff's injuries were caused solely by defendant's, their agents servants or employees negligence.

THIRTY-FIRST: That as a result of the foregoing, Plaintiff has sustained a serious injury. Consequently, Plaintiff has been damaged in the amount in a sum to be determined by the trial court in an amount exceeding the jurisdiction of the lower court in an amount to be determined by the trier of fact.

THIRTY-SECOND: That the exceptions set forth in Section 1602, 1602(7) and 1602(11) of the CPLR apply to this action.

AS AND FOR A SECOND CAUSE OF ACTION

ACTION ON BEHALF OF PLAINTIFF, MICHAEL VAZQUEZ

THIRTY-THIRD: Plaintiff repeats, reiterates and realleges all of the allegations contained in paragraphs "1" through "32" inclusive of the complaint herein with the same force and effect as if fully set forth herein at length.

THIRTY-FOURTH: On or about May 14, 2008, Defendants, EXPOSURE COMMUNICATIONS LLC, their agents servants and/or employees acting in the course and within the scope of their employment, were negligent in the course of their duties. Said negligence included but is not limited to the failure to communicate or properly communicate with co-defendants as to the plaintiff's status at THE EVENT; establish proper access for the plaintiff as a press person, access to restricted areas of the set and show areas including but not limited to "backstage" areas; informing all sides that the plaintiff was granted access to the performing areas including but not limited to the "Backstage areas" as well as other negligence. This and other negligence on the part of EXPOSURE COMMUNICATIONS LLC, directly resulted in the plaintiff sustaining injuries.

THIRTY-FIFTH: As a result of negligence of the defendants, Plaintiff suffered serious injuries.

THIRTY-SIXTH: Consequently, Plaintiff has been damaged in the amount in a sum to be determined by the trial court in an amount exceeding the jurisdiction of the lower court in an amount to be determined by the trier of fact.

AS AND FOR A THIRD CAUSE OF ACTION

ACTION ON BEHALF OF PLAINTIFF, MICHAEL VAZQUEZ

THIRTY-SEVENTH: Plaintiff repeats, reiterates and realleges all of the allegations contained in paragraphs "1" through "30" inclusive of the complaint herein with the same force and effect as if fully set forth herein at length.

THIRTY-EIGHTH: On or about May 14, 2008, Defendants, as agent(s) and employee(s) of Defendant, EXPOSURE COMMUNICATIONS LLC, acting in the course and within the scope of his employment, assaulted, battered, beat, threatened, shoved, and pushed Plaintiff.

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