

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 59<sup>th</sup> 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 59<sup>th</sup> Street, County, City and State of New York, attending the "Casio G-Shock 25<sup>th</sup> 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.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.