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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, BEVERLY HILLS COURTHOUSE**

13 DONNA MOTSINGER,
14 Plaintiff,

15 v.

16 WILLIAM COSBY, JR., an individual;
17 JEMMIN, INC., a California corporation;
MCA, INC., a dissolved corporation of
18 unknown State of formation; and CIRCLE
STAR THEATER, CORP., a dissolved
19 Delaware corporation; and DOES 1-20.,
20 Defendants.

Case No. **23SMCV04562**

COMPLAINT

- 1. **SEXUAL BATTERY**
- 2. **NEGLIGENCE**
- 3. **INTENTIONAL INFLICTION OF**
EMOTIONAL DISTRESS
- 4. **FALSE IMPRISONMENT**

Action Filed:
Trial Date:

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Superior Court of California,
County of Los Angeles
9/27/2023 2:34 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By M. Elder, Deputy Clerk

1 Plaintiff Donna Motsinger, by and through her attorneys, brings this action and alleges as
2 follows:

3 **GENERAL ALLEGATIONS**

4 1. Plaintiff Donna Motsinger was drugged and raped by serial sexual abuser
5 Defendant William "Bill" Cosby, Jr.

6 2. In 1972, Ms. Motsinger was working as a server at The Trident, a renowned
7 restaurant located in Sausalito, California.

8 3. In that era, Defendant Cosby regularly visited The Trident, as did many other
9 celebrities.

10 4. During one particular week when Ms. Motsinger was working, Defendant Cosby
11 came in every day. He hung out to talk to Ms. Motsinger. One time Defendant Cosby asked her if
12 he could call her son and called her son at the payphone inside the restaurant. Defendant Cosby
13 did this to lure and groom Ms. Motsinger for his future assault. Everybody was fawning over him
14 due to his international celebrity and acclaim. Ms. Motsinger had served him at his table. When
15 Ms. Motsinger was returning to her home in Mill Valley, Mr. Cosby followed her and pulled up
16 next to her. Mr. Cosby asked Ms. Motsinger if she would go with Mr. Cosby to a show he
17 performed at the Circle Star Theater in San Carlos, California. Ms. Motsinger agreed, and Mr.
18 Cosby said he would pick Ms. Motsinger up later.

19 5. Upon information and belief, at that performance, Mr. Cosby was recording his
20 stand up act for *Inside the Mind of Bill Cosby* that was produced by MCA Records.

21 6. Mr. Cosby picked Ms. Motsinger up in a limousine from her house and drove her to
22 the Circle Star Theater. Mr. Cosby gave Ms. Motsinger a glass of wine in the limo along the way.
23 At the Circle Star Theater, Mr. Cosby took Ms. Motsinger to the dressing room there. She began
24 to feel sick and Mr. Cosby gave her what she believed was an aspirin. Next thing she knew, she
25 was going in and out of consciousness while two men attending to Mr. Cosby were putting her in
26 the limousine with Mr. Cosby. In the limousine, Mr. Cosby sat near the window and put his arms
27 around her. The last thing Ms. Motsinger recalls were flashes of light. She woke up in her house
28

1 with all her clothes off, except her underwear on – no top, no bra, and no pants. She knew she had
2 been drugged and raped by Bill Cosby.

3 7. For decades, defendant Cosby engaged in the serial sexual assault of dozens of
4 women for his sexual gratification by drugging women and using unknown substances to
5 incapacitate them.

6 8. Defendant Cosby used his enormous wealth, power, fame, and prestige, giving
7 women like Ms. Motsinger access to a world of celebrities and entertainers.

8 9. In a deposition filed in the Eastern District of Pennsylvania, defendant Cosby
9 admitted to obtaining drugs to use on women with whom he wanted to engage in sex.

10 10. Upon information and belief, Defendant Jemmin, Inc. was the production company
11 through which Mr. Cosby worked at all relevant times. Upon information and belief, Mr. Cosby
12 was and remains the chief executive officer of Jemmin, Inc. Upon information and belief, Mr.
13 Cosby was acting in the course and scope of his employment with Jemmin, Inc. at the time of the
14 sexual assault.

15 11. At this Cosby production at the Circle Star Theater, Defendant MCA, Inc. financed,
16 produced, recorded, manufactured, and distributed the album of stand-up comedy by Bill Cosby
17 called *Inside the Mind of Bill Cosby*. This album recorded a live stand-up comedy show
18 performed by Bill Cosby at Defendant Circle Star Theater. At all relevant times, Defendant MCA,
19 Inc. had the power to control the actions and conduct of Bill Cosby at all relevant times during this
20 performance.

21 12. At all relevant times, the Circle Star Theater Corp. had the power to control the
22 activities backstage where Ms. Motsinger was drugged by Mr. Cosby and had the power to ensure
23 the safety of guests and invitees against the sexual assault at the hands of its performers. In
24 addition, upon information and belief, the driver of the limousine and the security detail of Bill
25 Cosby, each of whom facilitated and were aware of Mr. Cosby's sexual propensities, were paid for
26 by and employees, agents, or servants of Defendants Jemmin, Inc., Circle Star Theater Corp.,
27 and/or MCA, Inc. at the time of the sexual assault.

28

1 13. Jemmin, Inc., by and through Mr. Cosby himself, and Bill Cosby engaged in a
2 cover up or attempted a cover up of all instances of sexual assault at the hands of Bill Cosby. Mr.
3 Cosby had a repeated pattern and practice of providing women he intended to sexual assault with
4 quaaludes and/or other amnesia-inducing sedatives in order to cause them to lose consciousness or
5 erase their memory of the assault. Mr. Cosby's use of quaaludes and/or other amnesia-inducing
6 sedatives prevented information relating to a sexual assault from becoming public or being
7 disclosed to the plaintiff. Upon information and belief, the driver of Mr. Cosby's limousine and
8 his security detail had or should have had notice of Mr. Cosby's cover up attempts and facilitated
9 the cover ups by failing to report Mr. Cosby's prior assaults.

10 14. All claims brought against all parties by Ms. Motsinger are revived under
11 California Code of Civil Procedure § 340.16(e).

12 **PARTIES**

13 15. Plaintiffs Donna Motsinger is a New Mexico citizen.
14 16. Defendant William Cosby, Jr. is a Pennsylvania citizen.
15 17. Defendant MCA, Inc. is a dissolved corporation of an unknown State whose
16 beneficial ownership, debts and obligations were transferred ultimately to Universal Studios, Inc.
17 At all relevant times, MCA, Inc. was headquartered in California and was therefore a citizen of
18 California.
19 18. Defendant Jemmin, Inc. is a California corporation and therefore a citizen of
20 California.
21 19. Defendant Circle Star Theater Corp. is a dissolved Delaware corporation that was
22 headquartered in San Carlos, California when it operated and continues to be headquartered for
23 purposes of winding up its business and affairs in San Carlos, California. Defendant Circle Star
24 Theater Corp. is a California citizen.
25 20. The true names and capacities, whether individual, plural, corporate, partnership,
26 associate, or otherwise, of DOES 1 through 20, inclusive, are unknown to Plaintiff who therefore
27 sues said Defendants by such fictitious names. The full extent of the facts linking such fictitiously
28 sued Defendants is unknown to Plaintiff. Plaintiff is informed and believes, and thereon alleges,

1 that each of the Defendants designated herein as a DOE was, and is, negligent, or in some other
2 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby
3 negligently, or in some other actionable manner, legally and proximately caused the hereinafter
4 described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to
5 amend this Complaint to show the Defendants' true names and capacities after the same have been
6 ascertained.

7 21. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned
8 herein, Defendants, and each of them, including DOES 1 through 20, inclusive, and each of them,
9 were agents, servants, employees, successors in interest, and/or joint venturers of their co-
10 Defendants, and were, as such, acting within the course, scope, and authority of said agency,
11 employment, and/or venture, and that each and every Defendant, as aforesaid, when acting as a
12 principal, was negligent in the selection and hiring of each and every other defendant as an agent,
13 servant, employee, successor in interest, and/or joint ventures.

14 **FIRST CAUSE OF ACTION**

15 **(Sexual Battery Against Defendant Bill Cosby and Jemmin, Inc.)**

16 22. Plaintiff re-alleges and incorporates herein by reference each and every allegation
17 and statement contained in the prior paragraphs.

18 23. Defendant Bill Cosby sexually touched Plaintiff Donna Motsinger with the intent to
19 harm or offend her.

20 24. Plaintiff Donna Motsinger did not consent to the touching. Mr. Cosby had sedated
21 and drugged Ms. Motsinger to the point of unconsciousness, rendering her incapable and
22 incompetent to consent to any touching.

23 25. Plaintiff Donna Motsinger was harmed and offended by Mr. Cosby's sexual
24 battery.

25 26. A reasonable person in Ms. Motsinger's situation would have been offended by the
26 touching.

27 27. As a legal, direct and proximate result of Ms. Motsinger's sexual battery at the
28 hands of Defendant Bill Cosby, Ms. Motsinger suffered economic and noneconomic damages to

1 the maximum extent allowed by law, including but not limited to the lost wages, medical bills,
2 pain and suffering, emotional distress, and any other remedy available at law.

3 28. Jemmin, Inc. is vicariously liable for Mr. Cosby's sexual battery as Jemmin, Inc.
4 authorized and ratified the sexual battery through Mr. Cosby himself. Mr. Cosby was the Chief
5 Executive Officer of Jemmin, Inc. and therefore had the authority to authorize and did in fact
6 authorize his own conduct on behalf of Jemmin, Inc.

7 29. Mr. Cosby is guilty of fraud, oppression, and malice for his sexual battery of Ms.
8 Motsinger. Mr. Cosby intended to cause Ms. Motsinger injury and engaged in despicable conduct
9 – i.e. the drugging of a woman to the point of unconsciousness in order to rape her – which was
10 carried on with a willful and conscious disregard of the rights or safety of Ms. Motsinger. Mr.
11 Cosby concealed from Ms. Motsinger that he had slipped drugs into the drinks Mr. Cosby gave
12 her with the intention of causing the sexual battery. As a result of such fraud, oppression, and
13 fraud, Ms. Motsinger is entitled to punitive damages under Civil Code § 3294.

14 30. Jemmin, Inc. is guilty of fraud, oppression, and malice for the sexual battery of Ms.
15 Motsinger at the hands of Cosby. Jemmin, Inc., through Mr. Cosby, authorized and ratified the
16 sexual battery of Mr. Cosby, as Mr. Cosby was the sole shareholder and chief executive officer of
17 the company at all relevant times and therefore the act of oppression, fraud, or malice was on the
18 part of an officer, director and managing agent of Jemmin, Inc.

19 SECOND CAUSE OF ACTION

20 **(Negligence Against Defendants Jemmin, Inc., MCA Inc., and Circle Star Theater Corp.)**

21 31. Plaintiff re-alleges and incorporates herein by reference each and every allegation
22 and statement contained in the prior paragraphs.

23 32. Jemmin, Inc. had a special relationship with its chief executive officer, sole
24 shareholder, director, and key employee Defendant Bill Cosby to protect against the sexual assault
25 of third party Ms. Motsinger. Jemmin, Inc. was the corporation that furnished the services of Bill
26 Cosby at all relevant times as a recording entertainer, owned copyrights and collected royalties on
27 the exploitation of those recordings. Defendant Bill Cosby was the chief executive officer and a
28 director of the board of directors of Jemmin, Inc. Therefore, Jemmin, Inc. had a duty to take

1 reasonable steps to control the conduct of Defendant Bill Cosby and prevent sexual assaults of
2 third parties at the hand of Defendant Bill Cosby, particularly in the context of entertainment
3 services Mr. Cosby rendered on the night of Ms. Motsinger's sexual assault. The foreseeability
4 that Mr. Cosby would drug and rape women in connection with performances he did was directly
5 known to Jemmin, Inc.

6 33. Jemmin, Inc. breached the duty as follows:

7 a. Bill Cosby, as CEO of Jemmin, Inc., chose not to restrain himself in
8 drugging, sedating, and raping Ms. Motsinger;

9 b. Jemmin, Inc. chose not to establish and/or enforce a code of conduct to
10 prohibit unconsenting sexual contact between Mr. Cosby and any guest;

11 c. Jemmin, Inc. chose not to bar Mr. Cosby from entertaining woman without
12 a chaperone present to prevent his improper contact and the potential for coercion;

13 d. Jemmin, Inc. chose not to establish a code of conduct prohibiting the
14 possession or use of hardcore sedatives posing a foreseeable risk of sexual assault at the venue;

15 e. Jemmin, Inc.'s employees chose not to report known propensities of Mr.
16 Cosby to drug and assault unknown women.

17 34. Circle Star Theater Corp. owned, operated, maintained, possessed, and had full
18 custody and control of the Circle Star Theater in San Carlos, CA where Ms. Motsinger was
19 drugged and sedated. At the theater, Ms. Motsinger was so drugged and sedated that she was
20 going in and out of consciousness by the time she left in Mr. Cosby's limousine. Employees and
21 agents of Circle Star Theater knew or should have known of the dangerous drugged and sedated
22 state that Ms. Motsinger was in and should have rendered care and aid to Ms. Motsinger. Because
23 of Ms. Cosby's fame, Circle Star Theater chose not to intervene to render aid to Ms. Motsinger
24 and report that she had been drugged and sedated, thereby preventing information relating to her
25 sexual assault from becoming public or being disclosed to the plaintiff.

26 35. Circle Star Theater Corp.'s duty included the duty to act with reasonable care and
27 provide protection to its patrons from injury at the hands of its performers, including Bill Cosby.
28 *Delgado v. Trax Bar & Grill*, 36 Cal. 4th 224 (2005).

- 1 36. Circle Star Theater Corp. breached the duty in the following ways:
- 2 a. Circle Star Theater chose not to establish and/or enforce a code of conduct
- 3 to prevent the drugging and sedation of guests by its performers;
- 4 b. Circle Star Theater chose not to conduct security checks of all persons,
- 5 including performers like Mr. Cosby, to ensure they were not bringing hardcore drugs and/or
- 6 sedatives into the venue that pose a risk of sexual assault or rape;
- 7 c. Circle Star chose not to render aid to Ms. Motsinger at the time she was
- 8 Circle Star’s invitee and was unconscious at its venue, which would have been known to
- 9 employees and agents of Circle Star;
- 10 d. Circle Star chose not to intervene to protect Ms. Motsinger while she was
- 11 unconscious against Mr. Cosby.

12 37. MCA, Inc. sponsored, financed, produced, and recorded the stand up comedy show

13 at the Circle Star Theater where Mr. Cosby was performing when he began his sexual assault of

14 Ms. Motsinger. MCA, Inc. had a special relationship with Mr. Cosby as its special agent in his

15 role as a performing artist and Ms. Motsinger as a guest backstage where MCA, Inc. had exclusive

16 control over entry and access and therefore the premises there. In this position, MCA, Inc. had a

17 duty to take reasonable steps to control the conduct of Defendant Bill Cosby and prevent sexual

18 assaults of third parties at the hand of Defendant Bill Cosby at the Circle Star Theater that night.

- 19 38. MCA, Inc. breached the duty in the following ways:
- 20 a. MCA, Inc. chose not to establish and/or enforce a code of conduct to
- 21 prevent the drugging and sedation of guests accompanying performers backstage where MCA, Inc.
- 22 had control;
- 23 b. MCA, Inc. chose not to have a chaperone present to accompany its
- 24 performer Bill Cosby to observe, monitor, and supervise his conduct;
- 25 c. Alternatively, MCA, Inc. chose to provide a security detail and/or limousine
- 26 driver for Mr. Cosby that saw the unconscious state of Ms. Motsinger and failed to intervene or
- 27 render aid to her.
- 28

1 47. Plaintiff re-alleges and incorporates herein by reference each and every allegation
 2 and statement contained in the prior paragraphs.

3 48. Defendant William Cosby intentionally deprived Plaintiff Donna Motsinger of her
 4 freedom of movement by use of fraud and deceit by fraudulently and deceitfully drugging and
 5 sedating her without her knowledge or consent to the point of unconsciousness.

6 49. Such restraint, confinement, and detention compelled Plaintiff Donna Motsinger to
 7 stay within Mr. Cosby’s unfettered control and within his boundaries;

8 50. Plaintiff Donna Motsinger did not knowingly or voluntarily consent to being placed
 9 in such confinement;

10 51. Plaintiff Donna Motsinger was actually harmed as a result of such confinement;

11 52. Mr. Cosby’s conduct was a substantial factor in causing Ms. Motsinger’s harm.

12 53. As a legal, direct and proximate result of Mr. Cosby’s conduct, Ms. Motsinger
 13 suffered economic and noneconomic damages to the maximum extent allowed by law, including
 14 but not limited to the lost wages, medical bills, pain and suffering, emotional distress, and any
 15 other remedy available at law.

16 54. Jemmin, Inc. is vicariously liable for Mr. Cosby’s outrageous conduct as Jemmin,
 17 Inc. authorized and ratified the conduct through Mr. Cosby himself. Mr. Cosby was the Chief
 18 Executive Officer of Jemmin, Inc. and therefore had the authority to authorize and did in fact
 19 authorize his own conduct on behalf of Jemmin, Inc.

20

21 **PRAYER FOR DAMAGES**

22 WHEREFORE, Plaintiff Donna Motsinger prays for relief against DEFENDANTS as
 23 follows:

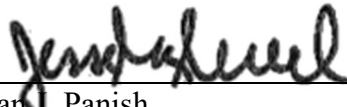
- 24 1. For general damages (also known as non-economic damages), including but not
 25 limited to, past and future past and future pain and suffering for the physical, mental and
 26 emotional distress damages suffered by Plaintiff, in an amount in excess of the jurisdictional
 27 minimum, according to proof against all Defendants.
- 28 2. For special damages (also known as economic damages), including but not limited

1 to past and future hospital, medical, professional, and incidental expenses as well as past and
2 future loss of earnings, loss of opportunity, and loss of earning capacity, in excess of the
3 jurisdictional minimum, according to proof against all Defendants.

- 4 3. For prejudgment and postjudgment interest, according to proof;
- 5 4. For damages for other economic losses, according to proof;
- 6 5. For punitive damages;
- 7 6. For such other and further relief as this Court may deem just and proper.

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10 DATED: September 27, 2023

PANISH | SHEA | BOYLE | RAVIPUDI LLP

11
12 By: 
13 Brian J. Panish
14 Jesse Creed
15 Attorneys for Plaintiff