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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 12 **COUNTY OF LOS ANGELES, SANTA MONICA COURTHOUSE**

14 DONNA MOTSINGER,  
 15 Plaintiff,

16 v.

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

Case No. 23SMCV04562

**FIRST AMENDED COMPLAINT**

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

Action Filed: 9/27/2023  
 Trial Date:

**FILED**  
 Superior Court of California  
 County of Los Angeles

09/16/2024

David W. Slayton, Executive Officer / Clerk of Court

By:           A. Pearson           Deputy

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*.
- 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, or green room of  
 24 the Theater, where other members of Mr. Cosby's entourage, including men attending to and  
 25 employed by Jemmin, Inc. and/or Mr. Cosby in his capacity as a sole proprietor, were present and  
 26 observing the interactions between Mr. Cosby and Ms. Motsinger. She began to feel sick and Mr.  
 27 Cosby gave her what she believed was an aspirin. Next thing she knew, she was going in and out  
 28 of consciousness while two men attending to Mr. Cosby were putting her in the limousine with

1 Mr. Cosby. In the limousine, Mr. Cosby sat near the window and put his arms around her. The  
2 last thing Ms. Motsinger recalls were flashes of light. She woke up in her house with all her  
3 clothes off, except her underwear on – no top, no bra, and no pants. She knew she had been  
4 drugged and raped by Bill Cosby.

5 7. Defendant Jemmin, Inc. was the production company through which Mr. Cosby  
6 worked at all relevant times, including at the time of the sexual assault. Jemmin, Inc., was the  
7 corporation that furnished the services of Bill Cosby at all relevant times as a recording  
8 entertainer, received payment for Mr. Cosby's performance, owned copyrights, and collected  
9 royalties on the exploitation of those recordings. Mr. Cosby was and remains the chief executive  
10 officer of Jemmin, Inc., and a director of the board of directors of Jemmin, Inc. At all relevant  
11 times, Mr. Cosby dominated the business and operations of Jemmin, Inc, and the corporation was  
12 established for the purpose of satisfying Mr. Cosby's performance pursuits, including but not  
13 limited to all expenditures to satisfy his sexual desires during performing events. This is a  
14 common arrangement and a cultural trope for performing and creative artists – when performing  
15 artists have a show, they want substances (e.g. alcohol and drugs) and women to satisfy their  
16 desires as part of the thrill, joy, and persona they must maintain at the performance. For Mr.  
17 Cosby and Jemmin, Inc., it's sex, drugs, and rock n' roll without the rock n' roll. Mr. Cosby was  
18 either the sole director and officer of Jemmin, Inc. or one of three directors or officers of the  
19 corporation, the other two being his father and his wife. Upon information and belief, Mr. Cosby  
20 was acting in the course and scope of his employment with Jemmin, Inc. at the time of the sexual  
21 assault.

22 8. In the alternative, Mr. Cosby was operating as a sole proprietor at all relevant  
23 times. Mr. Cosby in his capacity as sole proprietor incurred profits and/or losses relating to his  
24 likeness, celebrity, and comedic endeavors, including his performance at the Circle Star Theatre at  
25 the time of the sexual assault. Mr. Cosby, as a sole proprietor, was paid for his performance at the  
26 Circle Star Theatre at the time of the sexual assault, and was there for a business purpose. Mr.  
27 Cosby undertook the performance and all activities related to the performance (including sex and  
28

1 drugs) in his pursuit of his business as a performing artist. Mr. Cosby's actions and inactions  
2 leading up to, and at the time of the sexual assault were in his capacity as sole proprietor.

3 9. At this Cosby production at the Circle Star Theater, Defendant Bill Cosby, on  
4 behalf of Jemmin, Inc., and/or Bill Cosby as a sole proprietor, performed a live stand-up act that  
5 was recorded on an album called *Inside the Mind of Bill Cosby*.

6 10. At all relevant times, the Circle Star Theater Corp. had the power to control the  
7 activities backstage where Ms. Motsinger was drugged by Mr. Cosby and had the power to ensure  
8 the safety of guests and invitees against the sexual assault at the hands of its performers.

9 11. In addition, the driver of the limousine and the security detail of Bill Cosby, each of  
10 whom facilitated and were aware of Mr. Cosby's sexual propensities, based upon their  
11 involvement with, and observation of numerous similar incidents of Mr. Cosby drugging,  
12 inappropriately touching, and transporting unconscious women, were paid for by, and employees,  
13 agents, or servants of Defendants Jemmin, Inc., and/or Circle Star Theater Corp., at the time of the  
14 sexual assault.

15 12. At all relevant times, Jemmin, Inc., and its officers, directors, agents, and/or  
16 employees, had actual knowledge of Mr. Cosby's sexual propensities, including notice conferred  
17 upon Jemmin, Inc., through Bill Cosby as Chief Executive Officer and a director himself, as well  
18 as notice provided to other officers, directors, agents, and/or employees of Jemmin, Inc., through  
19 direct observations of inappropriate behavior. Jemmin, Inc. was set up for the sole purpose of  
20 satisfying Mr. Cosby's business and related pursuits including all wants and needs of Mr. Cosby at  
21 relevant performances – including drugs and sex from people like Ms. Motsinger. Specifically, as  
22 detailed further below, Mr. Cosby engaged in the serial sexual assault of numerous women prior  
23 his sexual assault of Ms. Motsinger, many of which involved situations where drugs were  
24 provided to women in the presence of Mr. Cosby's drivers and/or security detail, who later became  
25 incapacitated, and were transported by said agents or employees to a location where the sexual  
26 assault eventually occurred. Mr. Cosby's security detail and drivers also observed numerous  
27 instances of Mr. Cosby touching women without their consent in a drugged or unconscious state.  
28 At all relevant times, Jemmin, Inc., and its officers, directors, agents, and/or employees had the

1 power to control Bill Cosby, including by confronting him, reporting his conduct to authorities,  
2 refusing to engage in the transport of unconscious women who Mr. Cosby had drugged, or setting  
3 policies which would prevent such conduct from occurring, but chose not to do so or were  
4 otherwise so dominated by Mr. Cosby that the purpose of such corporations became so intertwined  
5 with Mr. Cosby himself that Mr. Cosby's purposes were the corporation's purposes, including  
6 illicit and criminal purposes established by Mr. Cosby himself.

7 **COSBY AND JEMMIN'S HISTORY OF SERIAL ASSAULT AND COVERUP**

8 13. For decades, defendant Cosby engaged in the serial sexual assault of dozens of  
9 women for his sexual gratification by drugging women and using unknown substances to  
10 incapacitate them.

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

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

15 16. Jemmin, Inc., by and through Mr. Cosby himself, and its agents and/or employees,  
16 and Bill Cosby, as a sole proprietor, engaged in a cover up or attempted a cover up of all instances  
17 of sexual assault at the hands of Bill Cosby, including the cover up of numerous previous  
18 instances of sexual assault that preceded the assault on Ms. Motsinger. Mr. Cosby had a repeated  
19 pattern and practice of providing women he intended to sexually assault with quaaludes and/or  
20 other amnesia-inducing sedatives in order to cause them to lose consciousness or erase their  
21 memory of the assault. Mr. Cosby's use of quaaludes and/or other amnesia-inducing sedatives  
22 prevented information relating to a sexual assault from becoming public or being disclosed to the  
23 plaintiff. Upon information and belief, the driver of Mr. Cosby's limousine and his security detail  
24 had or should have had notice of Mr. Cosby's cover up attempts, including his pattern and practice  
25 of using memory-altering drugs on women in his company, and facilitated the cover ups by failing  
26 to report Mr. Cosby's prior assaults, or their observations of his inappropriate and illegal behavior.

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28

1           17.     Prior to sexually assaulting Ms. Motsinger, Jemmin, Inc., and Defendant Cosby  
2 engaged in the cover-up of numerous sexual assaults of women by Defendant Cosby, including  
3 but not limited to the following incidents:

4           a.     Plaintiff is informed and believes and thereon alleges that in approximately  
5 1965, Cosby sexually assaulted a woman in New York City ("Victim 1"). On information and  
6 belief, Cosby invited Victim 1 to a party at his house, but when she arrived she realized she was  
7 the only guest. Cosby proceeded to serve her one or two alcoholic beverages, which were drugged,  
8 after which Victim 1 fell unconscious and awoke to Cosby attempting to forcibly shove his penis  
9 in her mouth.

10          b.     Plaintiff is informed and believes and thereon alleges that in approximately  
11 1967, Cosby sexually assaulted a woman in Beverly Hills, California ("Victim 2"). On information  
12 and belief, Victim 2 went on a double date with Bill Cosby and his wife Camille Cosby, which  
13 ended at the Cosby home in Beverly Hills. Victim 2's date and Defendant Cosby's wife left her  
14 alone with Bill Cosby, who thereafter insisted that Victim 2 have a cocktail, which she refused.  
15 Cosby then forcibly kissed Victim 2, who pushed him off before leaving.

16          c.     Plaintiff is informed and believes and thereon alleges that in the mid-1960s,  
17 Cosby sexually assaulted an underage minor in Los Angeles ("Victim 3"). On information and  
18 belief, Victim 3 was a family friend of Cosby through her mother who was in the entertainment  
19 business. Cosby invited Victim 3 to go to a jazz club, where he provided her a Coke, which after  
20 she drank, lost all memory, and later awoke in an apartment naked and alone, having been  
21 sexually assaulted by Cosby. Victim 3 thereafter ended up being convinced by Cosby to attend  
22 another event, at the Magic Castle, where she was provided a beverage by Cosby, and again, lost  
23 consciousness to awake naked in the empty apartment, knowing that Cosby had sexually assaulted  
24 her.

25          d.     Plaintiff is informed and believes and thereon alleges that in approximately  
26 1969, Cosby sexually assaulted a woman in Toronto, Canada ("Victim 4"). On information and  
27 belief, Victim 4 was invited to see Bill Cosby perform a show, and invited to dinner thereafter.  
28 After the show concluded, Victim 4 was taken by a member of Cosby's entourage to a limousine,

1 where he was waiting along with two bodyguards in his employ, and they headed to dinner. After  
2 dinner, Cosby convinced Victim 4 to go up to his hotel room for a "gift" while his bodyguards  
3 waited in the limousine, along with the driver to take her home right after. Instead of a gift, Cosby  
4 provided her with a drink, which after one sip, caused her to blackout, and awaken to Mr. Cosby  
5 forcibly sexually assaulting her.

6 e. Plaintiff is informed and believes and thereon alleges that in approximately  
7 1969, Cosby sexually assaulted a woman in New York City ("Victim 5"). On information and  
8 belief, Victim 5 went out with Cosby one night, and while spending time together, informed  
9 Cosby she had a headache. Cosby provided Victim 5 a pill which he said would make her  
10 headache better. Victim 5 awoke thereafter in bed, naked, with Cosby lying next to her in a  
11 bathrobe, aware that she had been sexually assaulted.

12 f. Plaintiff is informed and believes and thereon alleges that in approximately  
13 1969, Cosby sexually assaulted a woman in Los Angeles ("Victim 6"). On information and belief,  
14 Cosby approached Victim 6 in a café as she was crying over the drowning death of her six year  
15 old son. Cosby offered to pay for a spa treatment for her and a friend, and sent a chauffeured car to  
16 pick them up for dinner. At dinner, Cosby gave Victim 6 and her friend a pill, insisting they take  
17 it. After being driven back to Cosby's house, Victim 6 passed out, and awoke to Cosby sexually  
18 assaulting her friend, before he engaged in forced sexual intercourse with her.

19 g. Plaintiff is informed and believes and thereon alleges that in approximately  
20 1969, Cosby sexually assaulted a woman in Los Angeles ("Victim 7"). On information and belief,  
21 at the time, Cosby was starring in The Cosby Show, produced by Jemmin, Inc., and invited Victim  
22 7, a comedy writer, to visit the studio where the sitcom was being filmed, and asked her to come  
23 by his bungalow after to work on potential jokes. In the bungalow, Cosby offered Victim 7 a  
24 beverage, which upon sipping, she lost consciousness. Victim 7, woke up to Cosby undressing her,  
25 and after she attempted to halt any further sexual contact, Cosby grabbed Victim 7's head and  
26 forced his penis into her mouth.

27 h. Plaintiff is further informed and believes and thereon alleges that in  
28 approximately 1971, Cosby again sexually assaulted Victim 7. On information and belief, Cosby

1 invited Victim 7 to come to a comedy show where he was performing. Victim 7 had two drinks  
2 before the show with Cosby, and started to feel weak as the show began. Victim 7 asked to be  
3 taken to the limousine by Cosby's driver, who was also present with them during the show, who  
4 assisted her to reach the limousine, where she promptly lost consciousness. When she awoke, it  
5 was the next morning and Victim 7 was naked in bed with Cosby.

6 i. Plaintiff is informed and believes and thereon alleges that in approximately  
7 1970, Cosby sexually assaulted a woman in Las Vegas, Nevada ("Victim 8"). On information and  
8 belief, Cosby invited Victim 8 up to his hotel suit in a casino and offered her a drink. After  
9 ingesting the drink, Victim 8 felt incapacitated, where she was thereafter forced to perform oral  
10 sex and sexual intercourse with Cosby.

11 j. Plaintiff is informed and believes and thereon alleges that in approximately  
12 1970, Cosby sexually assaulted a woman in Los Angeles, California ("Victim 9"). On information  
13 and belief, Cosby offered Victim 9 a ride home from a café where she worked after her shift.  
14 During the drive back, Cosby pulled over the car, pulled out a suitcase full of pills, and insisted  
15 that Victim 9 take one, which she refused. Cosby thereafter tried to grope Victim 9's chest and  
16 pushed her down in her seat in an attempt to force himself on top of her, which she resisted, and  
17 convinced him to drive her home.

18 k. Plaintiff is informed and believes and thereon alleges that in approximately  
19 1970, Cosby assaulted a young singer who had auditioned for his production company Jemmin,  
20 Inc., in Los Angeles, California ("Victim 10"). On information and belief, Cosby ended up hiring  
21 Victim 10 to help him open up and raise money for a private club in Los Angeles. Cosby invited  
22 Victim 10 to lunch one day despite Victim 10 informing Cosby that she felt ill, where she joined  
23 Cosby and a few members of his entourage. At the lunch, Cosby offered her two pills, which he  
24 said were cold medicine, which caused her to become extremely woozy, and go face down on the  
25 table. Cosby offered to drive Victim 10 home, and took her back to her apartment where he laid  
26 her in bed and proceeded to begin undressing her. Victim 10 resisted in her drugged state, but was  
27 unable to fight back, and Cosby sexually assaulted her.

28



1 purposes of winding up its business and affairs in San Carlos, California. Defendant Circle Star  
2 Theater Corp. is a California citizen.

3 25. The true names and capacities, whether individual, plural, corporate, partnership,  
4 associate, or otherwise, of DOES 1 through 20, inclusive, are unknown to Plaintiff who therefore  
5 sues said Defendants by such fictitious names. The full extent of the facts linking such fictitiously  
6 sued Defendants is unknown to Plaintiff. Plaintiff is informed and believes, and thereon alleges,  
7 that each of the Defendants designated herein as a DOE was, and is, negligent, or in some other  
8 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby  
9 negligently, or in some other actionable manner, legally and proximately caused the hereinafter  
10 described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to  
11 amend this Complaint to show the Defendants' true names and capacities after the same have been  
12 ascertained.

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

### 20 FIRST CAUSE OF ACTION

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

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

24 28. Defendant Bill Cosby sexually touched Plaintiff Donna Motsinger with the intent to  
25 harm or offend her.

26 29. Plaintiff Donna Motsinger did not consent to the touching. Mr. Cosby had sedated  
27 and drugged Ms. Motsinger to the point of unconsciousness, rendering her incapable and  
28 incompetent to consent to any touching.

1           30.     Plaintiff Donna Motsinger was harmed and offended by Mr. Cosby's sexual battery.

2           31.     A reasonable person in Ms. Motsinger's situation would have been offended by the  
3 touching.

4           32.     As a legal, direct and proximate result of Ms. Motsinger's sexual battery at the  
5 hands of Defendant Bill Cosby, Ms. Motsinger suffered economic and noneconomic damages to  
6 the maximum extent allowed by law, including but not limited to the lost wages, medical bills,  
7 pain and suffering, emotional distress, and any other remedy available at law.

8           33.     Jemmin, Inc. is vicariously liable for Mr. Cosby's outrageous conduct as Jemmin,  
9 Inc. authorized and ratified the conduct through Mr. Cosby himself. Mr. Cosby was the Chief  
10 Executive Officer of Jemmin, Inc. and so dominated the corporation that his purposes became the  
11 business purposes, and therefore had the authority to authorize and did in fact authorize his own  
12 conduct on behalf of Jemmin, Inc. Mr. Cosby also ratified his conduct on behalf of Jemmin, Inc.  
13 by pursuing the sexual assault while exercising his CEO responsibilities, knowing of such assaults,  
14 and refusing to investigate himself or terminate himself as a director and officer of Jemmin, Inc.  
15 Were the law to allow Jemmin, Inc. to get a free pass for investigating the conduct of its CEO and  
16 refusing to terminate its CEO for such conduct, the law would allow Mr. Cosby to abuse the  
17 privileges and benefits of a corporation for his personal gratification.

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

25           35.     Jemmin, Inc. is guilty of fraud, oppression, and malice for the sexual battery of Ms.  
26 Motsinger at the hands of Cosby. Jemmin, Inc., through Mr. Cosby, authorized and ratified the  
27 sexual battery of Mr. Cosby, as Mr. Cosby was the sole shareholder and chief executive officer of  
28

1 the company at all relevant times and therefore the act of oppression, fraud, or malice was on the  
2 part of an officer, director and managing agent of Jemmin, Inc.

3 36. At all relevant times, Mr. Cosby was acting as a sole proprietor as a performing  
4 artist during the sexual assault of Ms. Motsinger. Mr. Cosby was at the Circle Star for personal  
5 profit, arranged the limousine for a business purpose, and arranged for sex (through Ms.  
6 Motsinger) and drugs to be available to him for a business purpose. Mr. Cosby treated all  
7 expenses associated with his performance that night as business expenses, including the expenses  
8 to transport Ms. Motsinger through the limousine and to provide food and beverage to Ms.  
9 Motsinger (including the wine that drugged her).

10 **SECOND CAUSE OF ACTION**

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

12 37. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
13 and statement contained in the prior paragraphs.

14 38. Jemmin, Inc. had a special relationship with its chief executive officer, sole  
15 shareholder, director, and key employee Defendant Bill Cosby to protect against the sexual assault  
16 of third party Ms. Motsinger. Jemmin, Inc. was the corporation that furnished the services of Bill  
17 Cosby at all relevant times as a recording entertainer, owned copyrights and collected royalties on  
18 the exploitation of those recordings. Defendant Bill Cosby was the chief executive officer and a  
19 director of the board of directors of Jemmin, Inc. Therefore, Jemmin, Inc. had a duty to take  
20 reasonable steps to control the conduct of Defendant Bill Cosby and prevent sexual assaults of  
21 third parties at the hand of Defendant Bill Cosby, particularly in the context of entertainment  
22 services Mr. Cosby rendered on the night of Ms. Motsinger's sexual assault. The foreseeability  
23 that Mr. Cosby would drug and rape women in connection with performances he did was directly  
24 known to Jemmin, Inc.

25 a. The foreseeability that Mr. Cosby would drug and rape women in  
26 connection with his work with Jemmin was directly known to Jemmin, Inc., and its officers,  
27 directors, agents, and employees, through both observation of inappropriate behavior, and direct  
28 assistance in the transport of women for sexual assault that Jemmin, Inc.'s agents or employees

1 engaged in. Specifically, Jemmin, Inc.'s agents or employees, including drivers and security  
2 personnel for Mr. Cosby, frequently transported women both to, and from, locations where Mr.  
3 Cosby sexually assaulted them. In such role, agents and/or employees of Jemmin, Inc., witnessed  
4 the sexual abuse of Mr. Cosby's victims or circumstances suggesting sexual abuse, including  
5 multiple instances of Mr. Cosby providing drugs to women who later became unconscious and had  
6 to be carried to vehicles, multiple instances of women becoming unconscious in Mr. Cosby's  
7 presence only for him to carry them to an isolated area and spend the night with them, and  
8 instances of Mr. Cosby inappropriately touching or groping women unconscious in his limousine  
9 who could not give consent.

10           b.       Upon information and belief, in 1976, Defendant Cosby assaulted another  
11 victim who was a flight attendant. Cosby invited the victim to dinner, where they were transported  
12 by Cosby's driver. At dinner she was drugged, and thereafter taken to Cosby's hotel where she was  
13 sexually assaulted. After the assault, Cosby's driver took her back home, where she vomited in the  
14 vehicle. Cosby's driver had to physically carry her to her room, and informed her that she "wasn't  
15 the first." Upon information and belief, such statement reflects widespread knowledge about  
16 Jemmin, Inc.'s, and/or Mr. Cosby's agents and employees' knowledge, regarding his practice of  
17 drugging and raping women that far preceded the date of Mr. Cosby's assault of Ms. Motsinger.

18           c.       Jemmin, Inc., and its officers, directors, agents, and employees had the  
19 ability to control the conduct of Defendant Bill Cosby. Any of Jemmin, Inc.'s other officers,  
20 directors (including Camille Cosby), agents, or employees who knew of or suspected sexual  
21 abuse, could have done something to protect Ms. Motsinger, and the other victim's welfare,  
22 including issued warnings to the victims, gone to the police, or confronted Cosby.

23           39.       Jemmin, Inc. breached the duty as follows:

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

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

28

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

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

5 e. Jemmin, Inc.'s agents and/or employees chose not to report known  
 6 propensities of Mr. Cosby to drug and assault unknown women.

7 f. Jemmin, Inc's agents and/or employees chose not to warn potential victims  
 8 of Mr. Cosby's known propensity to drug and assault women.

9 g. Jemmin, Inc's agents and/or employees chose not to confront Cosby about  
 10 his outrageous and illegal behavior in drugging and assaulting women.

11 40. Circle Star Theater Corp. owned, operated, maintained, possessed, and had full  
 12 custody and control of the Circle Star Theater in San Carlos, CA where Ms. Motsinger was  
 13 drugged and sedated. At the theater, Ms. Motsinger was so drugged and sedated that she was  
 14 going in and out of consciousness by the time she left in Mr. Cosby's limousine. Employees and  
 15 agents of Circle Star Theater knew or should have known of the dangerous drugged and sedated  
 16 state that Ms. Motsinger was in based on her slipping in and out of consciousness in the green  
 17 room, with other people present, and should have rendered care and aid to Ms. Motsinger.  
 18 Because of Ms. Cosby's fame, Circle Star Theater chose not to intervene to render aid to Ms.  
 19 Motsinger and report that she had been drugged and sedated, thereby preventing information  
 20 relating to her sexual assault from becoming public or being disclosed to the plaintiff.

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

24 42. Circle Star Theater Corp. breached the duty in the following ways:

25 a. Circle Star Theater chose not to establish and/or enforce a code of conduct  
 26 to prevent the drugging and sedation of guests by its performers;

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 28



1           47.     Ms. Motsinger suffered severe emotional distress as a result of Mr. Cosby's  
2 conduct.

3           48.     Mr. Cosby and Jemmin, Inc.'s conduct was a substantial factor in causing Ms.  
4 Motsinger's severe emotional distress.

5           49.     As a legal, direct and proximate result of Mr. Cosby and Jemmin, Inc.'s conduct,  
6 Ms. Motsinger suffered economic and noneconomic damages to the maximum extent allowed by  
7 law, including but not limited to the lost wages, medical bills, pain and suffering, emotional  
8 distress, and any other remedy available at law.

9           50.     Jemmin, Inc. is vicariously liable for Mr. Cosby's outrageous conduct as Jemmin,  
10 Inc. authorized and ratified the conduct through Mr. Cosby himself. Mr. Cosby was the Chief  
11 Executive Officer of Jemmin, Inc. and so dominated the corporation that his purposes became the  
12 business purposes, and therefore had the authority to authorize and did in fact authorize his own  
13 conduct on behalf of Jemmin, Inc. Mr. Cosby also ratified his conduct on behalf of Jemmin, Inc.  
14 by pursuing the sexual assault while exercising his CEO responsibilities, knowing of such assaults,  
15 and refusing to investigate himself or terminate himself as a director and officer of Jemmin, Inc.  
16 Were the law to allow Jemmin, Inc. to get a free pass for investigating the conduct of its CEO and  
17 refusing to terminate its CEO for such conduct, the law would allow Mr. Cosby to abuse the  
18 privileges and benefits of a corporation for his personal gratification.

19           51.     At all relevant times, Mr. Cosby was acting as a sole proprietor as a performing  
20 artist during the sexual assault of Ms. Motsinger. Mr. Cosby was at the Circle Star for personal  
21 profit, arranged the limousine for a business purpose, and arranged for sex (through Ms.  
22 Motsinger) and drugs to be available to him for a business purpose. Mr. Cosby treated all  
23 expenses associated with his performance that night as business expenses, including the expenses  
24 to transport Ms. Motsinger through the limousine and to provide food and beverage to Ms.  
25 Motsinger (including the wine that drugged her).

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**FOURTH CAUSE OF ACTION**

**(False Imprisonment Against Defendants William Cosby and Jemmin, Inc.)**

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

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

54. Such restraint, confinement, and detention compelled Plaintiff Donna Motsinger to stay within Mr. Cosby's unfettered control and within his boundaries;

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

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

57. Mr. Cosby's conduct was a substantial factor in causing Ms. Motsinger's harm.

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

59. Jemmin, Inc. is vicariously liable for Mr. Cosby's outrageous conduct as Jemmin, Inc. authorized and ratified the conduct through Mr. Cosby himself. Mr. Cosby was the Chief Executive Officer of Jemmin, Inc. and so dominated the corporation that his purposes became the business purposes, and therefore had the authority to authorize and did in fact authorize his own conduct on behalf of Jemmin, Inc. Mr. Cosby also ratified his conduct on behalf of Jemmin, Inc. by pursuing the sexual assault while exercising his CEO responsibilities, knowing of such assaults, and refusing to investigate himself or terminate himself as a director and officer of Jemmin, Inc. Were the law to allow Jemmin, Inc. to get a free pass for investigating the conduct of its CEO and refusing to terminate its CEO for such conduct, the law would allow Mr. Cosby to abuse the privileges and benefits of a corporation for his personal gratification.



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**PROOF OF SERVICE**

**Motsinger v. Cosby, et al.**  
**Case No. 23SMCV04562**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90025.

On September 16, 2024, I served true copies of the following document(s) described as **FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

Jennifer Bonjean (*PHV*)  
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Bonjean Law Group PLLC  
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Michael A. Bressler, Esq.  
(to be admitted Pro Hac Vice)  
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**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address *kbennett@panish.law* to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 16, 2024, at Los Angeles, California.

*Karen Bennett*

\_\_\_\_\_  
Karen Bennett