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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 JAMES SAFECHUCK, an individual,

12 Plaintiff,

13 vs.

14 DOE 1, an individual; DOE 2,  
15 ; DOE 3, ;  
16 and DOES 4-50, inclusive,

17 Defendants.

Case No.: BC545264

*[Related to civil case, BC508502, Wade Robson  
v. MJJ Productions, et al., and probate case  
BP117321, In re Estate of Michael Joseph  
Jackson]*

*[Both cases assigned to the Honorable Judge  
Mitchell L. Beckloff, Dept. 51]*

**COMPLAINT FOR CHILDHOOD  
SEXUAL ABUSE  
(Redacted copy)**

**(California Code of Civil Procedure  
Section 340.1)**

*Jury Trial Demanded*

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24 **REDACTED COPY FILED PURSUANT TO COURT ORDER**

25 **ENTERED JULY 24, 2014**

1 Plaintiff JAMES SAFECHUCK ("Plaintiff") hereby makes this claim for childhood  
2 sexual abuse and alleges as follows:

3 **FIRST CAUSE OF ACTION FOR CHILDHOOD SEXUAL ABUSE**

4 **Parties**

5 1. Plaintiff is a thirty-six (36) year old male individual and resident of the County of  
6 Los Angeles, State of California.

7 2. DOE 1 is a decedent (hereinafter "DECEDENT") fictitiously identified herein and  
8 in related pleadings for purposes of describing him and his actions without identifying him by  
9 name and to place into context the actions and/or status of the other DOE Defendants. He is so  
10 identified in an effort to comply with the spirit and intent of confidentiality required by California  
11 Code of Civil Procedure Section 340.1 in circumstances where the alleged abuser has died.  
12 DECEDENT will be identified by name when permitted by Court order. DECEDENT, a male  
13 individual, was one of the most famous and successful entertainers in pop music history. Plaintiff  
14 is informed, believes, and thereupon alleges that, at all times relevant herein, DECEDENT was a  
15 resident of the State of California and maintained residences in the Counties of Los Angeles and  
16 Santa Barbara. Plaintiff is further informed and believes, and thereupon alleges, that DECEDENT  
17 died in Los Angeles, California on June 25, 2009, at the age of fifty (50). The estate of  
18 DECEDENT is currently in administration before the Probate Court of the County of Los  
19 Angeles (the "Estate"). Plaintiff has filed a Petition for Order to Allow Filing of Late Claim  
20 against the Estate. If filing of the Claim is permitted, and the Claim is either expressly rejected or  
21 deemed rejected by inaction, then Plaintiff will seek leave to amend this First Amended  
22 Complaint in accordance with Section 340.1 to name DOES 4 and 5 as the duly appointed and  
23 acting administrators of the Estate and its property.

24 3. Plaintiff is informed and believes, and thereupon alleges, that Defendant DOE 2

25  
26 Plaintiff is further informed and believes, and thereupon alleges, that at all  
27 times relevant herein, DOE 2

28

1 Plaintiff is further informed and believes, and thereon alleges, that

2 DOE 2 at all times relevant herein, and as such used DOE 2

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4

5 4. Plaintiff is informed and believes, and thereupon alleges, that Defendant DOE 3 is

6

7 Plaintiff is further informed and believes, and thereupon alleges, that at all

8 times relevant herein, DOE 3

9

, and further, that

10

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12

13 5. In doing the acts complained of herein, DECEDENT acted individually and

14 through the instrumentalities of Defendants DOES 2 and 3; who were his co-conspirators, alter

15 egos, aiders, abettors and agents for the childhood sexual abuse alleged herein. As a result

16 thereof, Defendants DOE 2 and DOE 3 are liable for DECEDENT's acts of childhood sexual

17 abuse pursuant to California Code of Civil Procedure Section 340.1(a)(2) and (3), and 340.1

18 (b)(2) in that owed a duty of care to the Plaintiff and their wrongful, intentional

19 and/or negligent acts, as well as knowing failure to take reasonable steps to prevent DECEDENT

20 from engaging in childhood sexual abuse, were a legal cause of the childhood sexual abuse which

21 resulted in injury to the Plaintiff as alleged herein.

22 6. Plaintiff is informed and believes, and thereupon alleges, that the true names and

23 capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as

24 DOES 6 through 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by

25 such fictitious names. Plaintiff will amend this First Amended Complaint to allege their true

26 names and capacities when such have been ascertained. Upon information and belief, each of the

27 said Doe Defendants is responsible in some manner under California Code of Civil Procedure

28

1 Section 340.1(a)(2) and (3), and 340.1 (b)(2) for the occurrences herein alleged, and were a legal  
2 cause of the childhood sexual abuse which resulted in injury to the Plaintiff as alleged herein.

3 **General Allegations**

4 7. Plaintiff was born in Simi Valley, California on February 28, 1978. Plaintiff  
5 started working in television commercials at the age of 7-8 in approximately 1984/1985. In late  
6 1986/early 1987, Plaintiff was hired to work on a Pepsi commercial that featured DECEDENT in  
7 a starring role. Plaintiff's mother accompanied him on the Pepsi commercial shoot. Karen Faye,  
8 the DECEDENT's hairstylist, was present at the shoot and for the first conversation between  
9 Plaintiff and DECEDENT in DECEDENT's trailer. Following that conversation, DECEDENT  
10 asked Plaintiff to sit on the stage and watch as DECEDENT performed for the commercial shoot.

11 8. Several months after the Pepsi commercial was shot, DECEDENT wrote a letter to  
12 Plaintiff on DOE 2's stationery, dated March 10, 1987. It stated:

13 "DEAR JIMMY,

14 THANK YOU FOR YOUR LETTER. IT WAS NICE HEARING FROM YOU AGAIN!  
15 I'VE BEEN WORKING ON A NEW VIDEO FOR MY ALBUM AND HAVE BEEN  
16 REALLY BUSY.

17 IT WAS FUN WORKING WITH YOU ON THE PEPSI COMMERCIAL! MAYBE WE  
18 CAN WORK TOGETHER AGAIN. I'D LIKE TO HAVE YOU COME AND VISIT ME  
19 ON THE SET SOMETIME OR WHEN I HAVE SOME FREE TIME YOU CAN COME  
20 TO MY HOUSE.

21 KEEP SENDING ME LETTERS! I LOVE TO HEAR FROM YOU!

22 SPEAK WITH YOU SOON, [DECEDENT'S signature]"

23 The DECEDENT also enclosed photographs from the Pepsi commercial that they shot together.

24 9. After receiving DECEDENT's letter, Plaintiff and his family were invited to  
25 dinner by DECEDENT to DECEDENT's home on Hayvenhurst Avenue in Encino, California  
26 ("Hayvenhurst house"). The invitation was made by DECEDENT through Jolie Levine,  
27 DECEDENT's then secretary/personal assistant. Ms. Levine later became DECEDENT's  
28 production assistant on the "BAD" Tour, and his production coordinator on the "BAD" album.

1 Plaintiff's parents accompanied him to DECEDENT's Hayvenhurst house for the dinner. After  
2 eating, all four of them watched the film *Batteries Not Included* in a small home theater in  
3 DECEDENT's Hayvenhurst house. During that visit, when DECEDENT was alone with  
4 Plaintiff, DECEDENT gave Plaintiff presents – a globe and \$700. Plaintiff's parents were not  
5 aware that DECEDENT had given their son money at the time, and when they discovered it later,  
6 they asked DECEDENT not to give Plaintiff money. In response to their request, DECEDENT  
7 giggled and said that he could not help himself.

8 10. Shortly after their first visit to the Hayvenhurst house, on Thanksgiving Day,  
9 Plaintiff was on the telephone with DECEDENT. Plaintiff's parents suggested that he invite  
10 DECEDENT to come over to their home. DECEDENT said yes, and Plaintiff and his parents  
11 drove over to the Hayvenhurst house to pick up DECEDENT and bring him back to their home.  
12 On multiple occasions after the first visit to the Havenhurst house, either Plaintiff and his family,  
13 or Plaintiff on his own, would go over to see DECEDENT at the Hayvenhurst house.

14 11. On the second occasion that Plaintiff went to the Hayvenhurst house, Plaintiff was  
15 dropped off by his parents. Plaintiff's parents went to dinner while Plaintiff stayed with  
16 DECEDENT. Plaintiff and DECEDENT drove off in DECEDENT's Mercedes and passed out  
17 \$100 bills to homeless people. DECEDENT said to one homeless man, "You do know how much  
18 this is," and then handed him a \$100 bill.

19 12. The third time Plaintiff visited the Hayvenhurst house he was accompanied by his  
20 parents and they took a tour of DECEDENT's recording studio which was located there. Three of  
21 DECEDENT's brothers were in the studio working, including Jermaine Jackson, and they all  
22 exchanged a quick hello.

23 13. During his many visits to the Hayvenhurst house, Plaintiff would "hang out" with  
24 the DECEDENT in DECEDENT's bedroom, and spend time with him in DECEDENT's dance  
25 room. There was a staircase leading to DECEDENT's bedroom on the exterior of the Havenhurst  
26 house so that one could enter it from the outside. The upstairs portion of DECEDENT's bedroom  
27 overlooked the main, downstairs portion of his bedroom. It was reachable by a spiral staircase  
28 from the main part of the bedroom below. DECEDENT kept the mannequins that he collected in

1 the upstairs portion of the bedroom, and positioned them so that they looked down to the lower  
2 portion. Plaintiff and DECEDENT played with the mannequins on Plaintiff's many visits. The  
3 main, downstairs portion of DECEDENT's bedroom had a giant globe that was lit from the  
4 inside. DECEDENT had a closet located in the upstairs portion of his bedroom on the left side,  
5 that he kept filled with jackets from his past music videos and performances. DECEDENT let  
6 Plaintiff touch and play with his many jackets. DECEDENT let Plaintiff try on the "Captain EO"  
7 jacket, and gave him the *Thriller* jacket to keep. DECEDENT took back the *Thriller* jacket a few  
8 years later, saying that the jacket would still belong to the Plaintiff, but that he needed to display  
9 it at a museum. The DECEDENT told Plaintiff that there would be a plaque saying "on loan from  
10 Jimmy Safechuck." In the meantime, the DECEDENT let Plaintiff choose between two of the  
11 other jackets used in the *Thriller* video--the "Zombie" jacket and the "clean" one.

12 14. DECEDENT began telephoning Plaintiff at home on a frequent and regular basis.  
13 Their relationship had grown to a point where DECEDENT had become part of Plaintiff's family.  
14 DECEDENT would call Plaintiff at home when he was alone or lonely, and Plaintiff's family  
15 would drive over to the Hayvenhurst house and pick up the DECEDENT and bring him back to  
16 Plaintiff's home in Simi Valley. One time Plaintiff and DECEDENT went to the park in Simi  
17 Valley. They shot some video footage there that ended up in the closing credits of one of  
18 DECEDENT's documentaries. On another occasion, Plaintiff and DECEDENT went to the Zales  
19 jewelry store in Simi Valley. The DECEDENT was wearing a disguise and the salesperson at the  
20 Zales store called the police. When the police arrived and saw that it was the DECEDENT, they  
21 did not pursue the matter. On another occasion, Plaintiff's father picked up DECEDENT from  
22 the Havenhurst house, and they had to drive away quickly in order to evade the paparazzi.  
23 Plaintiff and his family viewed this to be exciting -- as was the entire experience of being with a  
24 "star" with such celebrity status as DECEDENT. At this time, DECEDENT was in his late 20's,  
25 Plaintiff was approximately 8-9 years old, and Plaintiff's parents were in their 40's.

26 15. In 1988, when Plaintiff was 10 years old and DECEDENT was 29-30 years old,  
27 DECEDENT invited Plaintiff to a convention in Hawaii at which the Pepsi commercial they had  
28 both appeared in was being featured. The Plaintiff attended the Pepsi convention with

1 DECEDENT and appeared with him on stage. DECEDENT and/or DOES 2 and 3 made all the  
2 arrangements and paid all the expenses for Plaintiff and his mother to fly first class to Hawaii,  
3 travel by limousine to the Kahala Hilton Hotel and for all of their accommodations and expenses  
4 during the convention. Plaintiff and his mother travelled together with DECEDENT's entourage.  
5 Plaintiff stayed with his mother in her hotel room on that trip. On later trips, when Plaintiff  
6 travelled with DECEDENT, his parents would never have a room near DECEDENT's room, and  
7 would be on a different floor.

8 16. During the convention, Plaintiff spent a great deal of time with DECEDENT and  
9 got to know him well, and their friendship deepened. On this trip, DECEDENT asked if Plaintiff  
10 could sleep over in his room, but Plaintiff's mother did not permit it. This was the first time  
11 DECEDENT asked if Plaintiff could "sleep over" in his room.

12 17. While they were in Hawaii, DECEDENT rented a helicopter to take Plaintiff and  
13 his mother on a tour. Plaintiff got airsick 5-10 minutes after take-off, so they had to land.  
14 DECEDENT asked Plaintiff to stay in his room when they got back to the hotel, but Plaintiff's  
15 mother said no. DECEDENT had also rented out an amusement park for everyone to visit.  
16 Plaintiff met Michael J. Fox at the convention, and for the entire time he was treated on a V.I.P.  
17 basis.

18 18. The Hawaii trip lasted a weekend. On the return flight to Los Angeles, California,  
19 Plaintiff conducted a "mock" interview of DECEDENT, using his cassette recorder. In that  
20 recorded interview, Plaintiff asked DECEDENT a series of questions, and DECEDENT provided  
21 responses, as follows:

22 Plaintiff: "What do you think about lying?"

23 DECEDENT: "People make up stories about [DECEDENT—referring to himself  
24 in the third person]."

25 Plaintiff: "Do you like performing?"

26 DECEDENT: "Favorite things are writing songs, performing, and being with  
27 Jimmy [Plaintiff]."  
28

1 Plaintiff: "Any new plans?"

2 DECEDENT: "Smooth Criminal, short film, new Pepsi commercial, best Pepsi  
3 commercial was the one with Jimmy [Plaintiff] because he had  
4 'heart,' best thing about Hawaii was spending time with Jimmy  
5 [Plaintiff], love [Plaintiff's] family and want to spend time with  
6 them."

7 During this interview, DECEDENT referred to Plaintiff by the nickname "Rubba." This was a  
8 nickname that DECEDENT used to refer to Plaintiff early on in their relationship, and one that  
9 DECEDENT used to refer to other children, short for "rubber head".

10 19. In 1988, Plaintiff first started dancing with DECEDENT. DECEDENT brought  
11 Plaintiff to his private dance studio and let Plaintiff watch him rehearse. DECEDENT told  
12 Plaintiff that he was the only person who was allowed to watch him rehearse. DECEDENT  
13 would rehearse ½ to 1 hour every Sunday – it was his ritual. If Plaintiff was around, he would be  
14 invited to attend the rehearsals to watch, and as time progressed, DECEDENT allowed Plaintiff to  
15 dance with him. Even though Plaintiff did not have formal dance training, DECEDENT would  
16 coach and teach him, and DECEDENT told Plaintiff that he had rhythm.

17 20. In 1988, DECEDENT began sleeping over at Plaintiff's family home. The first  
18 night that DECEDENT slept over, he stayed in Plaintiff's bedroom. DECEDENT ended up  
19 sleeping in Plaintiff's bedroom with him on a regular basis, which Plaintiff's parents knew.  
20 Plaintiff and DECEDENT would also sometimes pitch a tent in the living room and sleep in there.  
21 Plaintiff observed DECEDENT's nightly regimen before going to sleep – taping his nose using  
22 white bandage tape, to form a shell to cover his nose. DECEDENT also used the empty bedroom  
23 of Plaintiff's older brother to meditate.

24 21. On March 11, 1988, Plaintiff and his mother accompanied DECEDENT as his  
25 guests to attend a performance of *The Phantom of the Opera* on Broadway, and both before and  
26 after the performance they all spent time together with Liza Minnelli. After the show, they all  
27 went backstage to meet the stars of the show, including Michael Crawford. Jolie Levine again  
28 made all the arrangements through DOE 2 for them to fly to New York and DECEDENT and/or



1 DOE 2 paid for all of their expenses for the trip. Plaintiff and his mother stayed at the Trump  
2 Tower in Manhattan for the weekend. They went to FAO Schwartz, the famous toy store, in  
3 addition to attending with him the performance of *The Phantom of the Opera*. Plaintiff stayed in  
4 his mother's hotel room. Again DECEDENT asked for Plaintiff to stay in DECEDENT's room  
5 with him, but Plaintiff's mother said no. But as soon as Plaintiff woke up in the morning, he  
6 would go to the DECEDENT's room and stay there with him.

7 22. In or about 1988, DECEDENT invited Plaintiff to meet him in Pensacola, Florida,  
8 where DECEDENT and his band were rehearsing. DECEDENT and DOES 2 and 3 arranged for  
9 Plaintiff and his parents to travel to Florida, and stay in one of the houses that DECEDENT and  
10 DOES 2 and 3 had rented there. Plaintiff stayed with DECEDENT in one house, and Plaintiff's  
11 parents stayed in one of the other houses. This was the first time that Plaintiff stayed with  
12 DECEDENT on a trip. DECEDENT also took Plaintiff and his parents for a side visit to Disney  
13 World.

14 23. The time that Plaintiff and DECEDENT spent together in 1988 increased  
15 significantly. DECEDENT encouraged Plaintiff to dress like him and grow his hair long like  
16 DECEDENT's. DECEDENT had coaxed Plaintiff to become a "miniature version" of  
17 DECEDENT. Plaintiff did. DECEDENT gave Plaintiff many gifts of his clothing, some of which  
18 remain in Plaintiff's possession to this day. The "*Thriller*" jacket in which DECEDENT he had  
19 famously performed, was given previously to Plaintiff but DECEDENT later took it back.  
20 DECEDENT had become part of Plaintiff's family circle. However, the DECEDENT never  
21 introduced Plaintiff or Plaintiff's family to his own – Plaintiff saw Jermaine Jackson once at the  
22 Hayvenhurst house, and met Janet Jackson once when Plaintiff spent a weekend at Neverland  
23 when Janet Jackson and her husband, Renee, were also there.

24 24. In the early part of 1988, DECEDENT invited Plaintiff to join him on the "*Bad*"  
25 Tour. Plaintiff spent six (6) months on the "*Bad*" Tour with DECEDENT, accompanied by his  
26 mother. Plaintiff joined DECEDENT for the second leg of the "*Bad*" Tour – in June (Europe)  
27 and stayed on the tour through December (where it concluded in Japan). During that 6 month  
28 period, Plaintiff returned to the U.S. to go back to school for several months. For the Japan

1 portion of the tour, Plaintiff received course and homework from his school in Simi Valley so that  
2 he could keep up with his studies.

3 25. On the tour, Plaintiff performed nightly with DECEDENT on stage. He was not  
4 paid for his services, but DECEDENT and DOE 2 organized and paid for all hotel and other  
5 accommodations; made and paid for all travel arrangements for Plaintiff and his mother (and also  
6 for Plaintiff's father who joined the family for certain portions of the tour); and paid for all food,  
7 entertainment and shopping sprees for Plaintiff and his parents. Jolie Levine was the point person  
8 for DECEDENT and to make all the arrangements.

9 26. The first portion of the "Bad" Tour that Plaintiff attended was in Paris, France in  
10 approximately June 25-29, 1988. A replica of DECEDENT's "Bad" Tour outfit was specially  
11 made by Michael Bush for Plaintiff to wear when he performed onstage with DECEDENT and  
12 for publicity events. During the "Bad" Tour, Plaintiff's parents would go out to see tourist  
13 attractions – sometimes alone, and sometimes with other members of DECEDENT's entourage  
14 and/or other employees of DOES 2 and 3. Plaintiff could not go, because if he went out in public,  
15 he would be hounded by the paparazzi and fans because of his role on the tour with DECEDENT.  
16 No children participated on the "Bad" Tour other than Plaintiff.

17 27. The first incident of sexual abuse occurred during the Paris portion of the "Bad"  
18 Tour in June 25-29, 1988. At the time, DECEDENT was 29 years old and Plaintiff was 10 years  
19 old. DECEDENT  
20 DECEDENT and Plaintiff were together in DECEDENT's room at the Hotel de Crillon in Paris.  
21 It was dark in the room. DECEDENT

22  
23  
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28

Later

on, DECEDENT told Plaintiff when other sexual acts were involved, it was a way of "showing  
love."



1 “already confessed,” they were lying and trying to trick Plaintiff. DECEDENT would repeat over  
2 and over again to Plaintiff that their participation in sexual acts together was Plaintiff’s idea. He  
3 would drill that into Plaintiff over and over again throughout their relationship. DECEDENT  
4 would tell Plaintiff that it was okay to lie to other people, because nothing would happen if you  
5 lied.

6 33. DECEDENT frequently told Plaintiff that he would need to get married to protect  
7 his public perception. DECEDENT confessed to Plaintiff that his own father, Joseph Jackson,  
8 beat him when he was growing up if he “messed up” or did not rehearse, and that Plaintiff was  
9 now giving DECEDENT the childhood he never had.

10 34. By the time Plaintiff’s parents had a sex education discussion with him, he had  
11 already been abused by DECEDENT. Over time, the sexual abuse gradually escalated and  
12 became a “normal” part of the relationship Plaintiff had with DECEDENT. The sexual abuse  
13 continued in the same pattern of activity, with DECEDENT adding new components to the abuse  
14 – for example,

15  
16  
17 35. Plaintiff was confused about his sexuality, and wondered if he was gay. He did  
18 not think he was gay because he experienced feelings of having a “crush” on Sheryl Crow, who at  
19 the time was working as a back-up singer for DECEDENT. DECEDENT was jealous of  
20 Plaintiff’s “crush” on Sheryl Crow, and told him that he should not like her. DECEDENT  
21 showed Plaintiff photographs of Sheryl Crow without her make-up on in an attempt to dissuade  
22 him from finding her attractive. DECEDENT was jealous of Plaintiff’s attraction to females and  
23 any relationships with females that he had. DECEDENT consistently talked about women in a  
24 negative manner, and would point out to Plaintiff what he considered to be their physical flaws.  
25 DECEDENT told Plaintiff that women were smart, conniving and not to be trusted.

26 32. When DECEDENT purchased the Neverland Ranch in Santa Barbara County in  
27 1988, Plaintiff was the first guest to stay overnight. At that time, there was no large “Neverland  
28 Ranch” sign, only the main house, pool and a trampoline. DECEDENT told Plaintiff when he

1 bought it that it was Plaintiff's "home." Whenever Plaintiff visited Neverland, he slept in  
2 DECEDENT's bedroom. DECEDENT and Plaintiff would "mess up" the upstairs bedroom to  
3 make it look as though Plaintiff had slept there, when in actuality he stayed with DECEDENT in  
4 his bed.

5 33. DECEDENT eventually installed chimes in the hallway to his bedroom so that he  
6 could hear and be warned when people approached. DECEDENT later installed video cameras.

7 34. DECEDENT had a secret closet in his bedroom at Neverland which required a  
8 secret passcode to open. DECEDENT kept jewelry inside the closet, and would often abuse  
9 Plaintiff there. There was another closet on the other side of his bedroom which was larger, and  
10 DECEDENT would lay down a blanket in there so that there was more room to engage in sexual  
11 activities with Plaintiff. DECEDENT's bedroom was located next to the library, and had a  
12 private bathroom to the right.

13 36. DECEDENT had the telephones at Neverland tapped so that he could listen to  
14 incoming and outgoing calls. On one occasion, DECEDENT had Plaintiff secretly listen in on a  
15 telephone call between Plaintiff's mother and aunt where Plaintiff's mother had said something  
16 negative about Plaintiff's father. After Plaintiff listened to the call, DECEDENT stated: "look  
17 how mean women are."

18 37. DECEDENT also had all of the telephones in the guest houses at Neverland  
19 tapped. It was common practice for DECEDENT and Plaintiff to listen in on telephone calls at  
20 Neverland.

21 38. On several occasions, Plaintiff took his best friend from school, Luke Martinez, to  
22 visit Neverland. During one of Luke's visits, they had a slumber party and game-type activities.  
23 DECEDENT and Plaintiff would "sneak off" to be alone and where sexual abuse would occur,  
24 but they were always careful to avoid getting caught. DECEDENT and Plaintiff were always  
25 careful when other people were around.

26 39. When Plaintiff was in the fourth grade, he had a "girlfriend." When DECEDENT  
27 found out, he told Plaintiff that he could only have a relationship with him. DECEDENT called it  
28 a "faux committed relationship" that had to be kept secret.

1           40.     DECEDENT would run “drills” regularly with Plaintiff and make Plaintiff practice  
2 putting on his clothes very fast and practice running away quietly so people would not hear him.

3           41.     DECEDENT engaged in an ongoing campaign to instill fear in Plaintiff – he  
4 repeatedly told Plaintiff that if anyone found out about what they were doing, DECEDENT’s and  
5 Plaintiff’s “futures would be over.” DECEDENT reminded Plaintiff of this on a constant basis.

6           42.     DECEDENT was paranoid about what Plaintiff might tell other people.  
7 DECEDENT would constantly grill Plaintiff to tell him exactly what was said in conversations he  
8 had with other people. On one occasion, DECEDENT asked Plaintiff what was said in a  
9 conversation between Plaintiff and a female limousine driver that DECEDENT would regularly  
10 send to pick up Plaintiff for visits. When DECEDENT learned that she had asked him questions  
11 about DECEDENT, DECEDENT terminated her employment. After that, DECEDENT started  
12 driving over to Plaintiff’s house himself to pick him up and bring him back for visits.

13           43.     As time progressed, DECEDENT became more and more possessive of Plaintiff  
14 and escalated the nature of their relationship and the frequency of the sexual abuse. In addition to  
15 DECEDENT’s nickname for Plaintiff of “Rubba,” DECEDENT expanded their secret language  
16 and created sexual “codes.” DECEDENT referred to semen as “duck butter.” DECEDENT  
17 would scratch the inside of Plaintiff’s palm as a sexual cue. DECEDENT performed a fake  
18 “marriage” with Plaintiff complete with a wedding ring and a signed document to pretend that  
19 they got married. DECEDENT would sometimes be a “jokester” with Plaintiff, saying that  
20 people were taking pictures of them while they were engaging in sexual activity, and had a light  
21 outside of his bedroom window at Neverland that he would flash to resemble a camera bulb  
22 flashing. DECEDENT also did that on the “*Bad*” Tour—he placed a small flashbulb on the other  
23 side of the hotel room curtain and made it flash. Plaintiff cried when he did that, and DECEDENT  
24 was surprised by his reaction.

25           44.     DECEDENT trained Plaintiff to exchange declarations of love with him – it  
26 became a regular occurrence for them to say that they loved one another all of the time they were  
27 physically together, and over the many telephone calls they had. Once they became close,  
28 DECEDENT encouraged Plaintiff to stay away from an acting career and the spotlight. Plaintiff

1 developed a significant emotional attachment to DECEDENT; DECEDENT always told Plaintiff  
2 that he would take care of him. Plaintiff began to wish that DECEDENT was his father.

3 45. DECEDENT engaged in sexual acts with Plaintiff hundreds of times – on tour, at  
4 Plaintiff's home, at DECEDENT's apartment/condominium on Wilshire Boulevard in Westwood,  
5 at DECEDENT's Century City condominium which was nicknamed "The Hideout," and at  
6 Neverland.

7 46. In 1990-1991, Plaintiff spent time with DECEDENT at his  
8 apartment/condominium in Westwood and later at "The Hideout" in Century City, California.  
9 During this timeframe, Plaintiff was 12-13 years old.

10 47. Plaintiff became a regular companion of DECEDENT. The DECEDENT took  
11 Plaintiff on shopping excursions with him, including a shopping spree at The Sharper Image store  
12 in Studio City. DECEDENT frequently took Plaintiff shopping at stores on Ventura Boulevard  
13 and on Hollywood Boulevard, including a magic shop and costume store.

14 48. DECEDENT possessed many recording devices and high-tech briefcases equipped  
15 with recording devices. Plaintiff thought of them as high-tech "kids' toys," but DECEDENT  
16 used them in a manner that created a sense of paranoia of other people.

17 49. At or about the time Plaintiff turned 12, a transition period began where  
18 DECEDENT began to focus his attention on a younger boy, Brett Barnes ("Brett"). Get-togethers  
19 at The Hideout became more frequent, with other young boys that DECEDENT had invited in  
20 attendance. When DECEDENT was alone with Plaintiff at The Hideout, DECEDENT served  
21 pink wine to him to drink, which was sweet, and together they would watch porn films. Some of  
22 the porn films were heterosexual in nature as were the pornographic books that DECEDENT  
23 showed to Plaintiff. Plaintiff was told by DECEDENT that these books were "foreign" books.  
24 DECEDENT also showed Plaintiff movies in which children were masturbating, and told him  
25 that they were "not really porn." The movies that DECEDENT referred to as "porn" involved  
26 adult sexual activities, whereas the films where children engaged in sexual activities were "not  
27 porn".  
28

1           50.     When Plaintiff started puberty at age 12, DECEDENT began to prepare Plaintiff  
2 for separation – telling him that he would “have other friends.” Plaintiff was upset hearing this  
3 and tried to preserve his relationship with DECEDENT by being extra nice and trying to befriend  
4 Brett Barnes, a younger boy with whom DECEDENT began to spend more time. Plaintiff  
5 became inwardly jealous of Brett because of the time and attention DECEDENT began devoting  
6 to him instead of Plaintiff.

7           51.     On one of the weekends that Plaintiff spent with Brett and DECEDENT at The  
8 Hideout, Plaintiff began to feel as though he “was on the outs” with DECEDENT. The  
9 DECEDENT had spent the night in his bedroom with Brett, instead of with Plaintiff, and Plaintiff  
10 spent the night on the couch. Plaintiff experienced feelings of jealousy as a result of being  
11 replaced by Brett.

12           52.     As Plaintiff neared puberty, the DECEDENT started grooming him for separation.  
13 This grooming period spanned several months. DECEDENT told the Plaintiff that he would be  
14 “seeing [the DECEDENT] with other people” but that they would continue on together “later on.”  
15 When Plaintiff fully reached puberty, DECEDENT began spending his time with Brett instead of  
16 with the Plaintiff, and DECEDENT’s sexual abuse of Plaintiff finally stopped.

17           53.     Once he reached puberty, and the sexual abuse stopped, Plaintiff would speak to  
18 DECEDENT less frequently. DECEDENT remained active in his life, however, and paid for the  
19 Plaintiff to direct several movies in high school. The DECEDENT turned Plaintiff’s focus away  
20 from scholastics and towards becoming a director. DECEDENT hired a professor from NYU to  
21 teach Plaintiff on the weekends how to direct films. DECEDENT told Plaintiff that “one day,  
22 we’re going to make movies together.” He also told Plaintiff to “study hard and be extraordinary”  
23 and that “[the DECEDENT] will be there to get [the Plaintiff’s] foot in the door” of the  
24 entertainment industry and motion picture business. DECEDENT and/or  
25 arranged and paid for John Lugar to spearhead Plaintiff’s filmmaking and planning; hired  
26 Gretchen Sommerfeld to teach directing to Plaintiff; and also hired Craig Thorton to teach script  
27 writing to Plaintiff. DECEDENT arranged for Ms. Sommerfeld and Mr. Thorton to go to  
28 Plaintiff’s house on weekends to teach him about the filmmaking process.



1           54.     DECEDENT told Plaintiff's parents that he did not need to go to college, and  
2 convinced them to remove Plaintiff from his Advanced Placement ("AP") courses. At the time,  
3 Plaintiff was very knowledgeable and skilled in mathematics. Nevertheless, he was taken out of  
4 his AP classes, and instead re-focused on directing by the DECEDENT. Because Plaintiff's own  
5 parents had not attended college, they were ill-equipped to guide their son in his scholastic  
6 endeavors, and were persuaded by the DECEDENT to steer the Plaintiff away from school and  
7 into directing.

8           55.     In conversations with the DECEDENT about dropping AP classes, the Plaintiff's  
9 mother stated that her son would end up doing what the DECEDENT was doing in his career, to  
10 which the DECEDENT agreed, stating that day would come, and when the Plaintiff became a  
11 filmmaker, there would be "a line around the block" to see him. DECEDENT told Plaintiff to de-  
12 prioritize school, focus on movie-making, and not to worry because the DECEDENT could get  
13 Plaintiff into college if he still wanted to go.

14           56.     In 1992-1993, the DECEDENT and           arranged for the Plaintiff, and Plaintiff  
15 and his parents to take several trips. In 1992, Plaintiff and his parents went to Boston to attend a  
16 Deepak Chopra meditation retreat. Plaintiff and his family used the cover name "Andrews" when  
17 travelling to protect their identities from the media. In 1993, Plaintiff went alone to Washington,  
18 D.C. and DECEDENT arranged for the Plaintiff to visit the White House. Then, on the second  
19 leg of that trip to Chicago, when the DECEDENT was doing the "Jam" video shoot, other boys  
20 were there, including Brett Barnes and also Wade Robson, who Plaintiff met for the first time.  
21 Plaintiff was sent home early from the trip, but Brett was allowed to stay. Brett slept with the  
22 DECEDENT in the DECEDENT's hotel room, and Plaintiff was upset about it and cried.  
23 DECEDENT saw Plaintiff crying, and within one-two days afterwards, Plaintiff was told by Bill  
24 Bray, DECEDENT's longtime head of security/body guard, that he was going to be sent home,  
25 and that next day Plaintiff was on an airplane returning to California several days earlier than his  
26 scheduled departure.

27           57.     In 1993, the Plaintiff testified at the Jordan Chandler childhood sexual abuse trial.  
28 DECEDENT told Plaintiff and his parents that the claims were complete extortion on the part of

1 the Chandler family. Plaintiff's parents believed DECEDENT, and were convinced that he could  
2 do no wrong. Plaintiff met with one of DECEDENT's lawyers at his office and rehearsed trial  
3 questions and testimony with him.

4 58. In 1994, Plaintiff worked as an intern/shadow director in Budapest, Hungary for  
5 DECEDENT's "*HIStory*" promo video. Again, Plaintiff travelled and worked under the cover  
6 name "Jimmy Andrews" to protect his identity. Plaintiff appeared as "Jimmy Andrews" on the  
7 call sheets for the "*HIStory*" promo video and was employed as a production assistant. Plaintiff's  
8 mother accompanied him on the trip to Budapest, which lasted one-two weeks. DECEDENT and  
9 DOE 2 arranged and paid for the travel and accommodations.

10 59. In 1995, Plaintiff was employed by the DECEDENT and/or as an  
11 intern/shadow director for DECEDENT's "*Earthsong*" video. Again, Plaintiff appeared on the  
12 call sheets for this video, which was filmed in New Jersey. Plaintiff was a wardrobe double on  
13 this shoot, and also appears as a hand double in the video for DECEDENT.

14 60. In the years following 1995, after Plaintiff reached the age of 17, his relationship  
15 with DECEDENT tapered off. In 1997, Plaintiff enrolled in Moorpark Community College in an  
16 attempt to get good enough grades to enable him to seek admission to USC. That never came to  
17 fruition. Plaintiff never got the university education that he wanted; instead, his education had  
18 been derailed by DECEDENT's persuasion of him and his parents that college was a waste of  
19 time and that Plaintiff's future was in film direction.

20 61. During the time that Plaintiff was attending Moorpark Community College, he  
21 began having panic attacks. One occurred during a Spanish tutoring session. Plaintiff had no idea  
22 what was wrong with him. To stabilize his panic, he would excuse himself from wherever he was  
23 when he began to experience the attacks, and walk around until he could calm down enough to re-  
24 join whatever he had been doing.

25 62. In 2005, DECEDENT contacted the Plaintiff, and asked him to testify on his  
26 behalf in the criminal trial against DECEDENT in Santa Barbara for criminal sexual abuse.  
27 Plaintiff was approximately 25 years old at the time. DECEDENT started out the telephone call  
28 by saying that he wanted to help Plaintiff with his music and directing. He then asked Plaintiff to

1 testify at trial on his behalf. When Plaintiff said no to the request, DECEDENT got angry and  
2 threatened him. Plaintiff told the DECEDENT never to call him again, and that he wanted a  
3 normal life. The DECEDENT got very angry and continued to threaten Plaintiff, telling him that  
4 he had the best lawyers in the world and that they would get Plaintiff for perjury from the 1993  
5 Chandler trial. Plaintiff had never experienced the DECEDENT being so angry. Plaintiff was also  
6 panicked about the DECEDENT talking to his mother---fearful that she would find out about his  
7 abuse by the DECEDENT and be threatened by DECEDENT's lawyers.

8 63. A few days after this telephone conversation, DECEDENT called Plaintiff's  
9 mother to try to get her to convince Plaintiff to testify on his behalf at the criminal trial.  
10 DECEDENT also wanted both of Plaintiff's parents to testify on his behalf. One to two days prior  
11 to DECEDENT's call to his mother, Plaintiff had told his mother about the call he had received  
12 from DECEDENT and that he had declined to testify at the criminal trial. Plaintiff talked to her  
13 about the call and told his mother that the DECEDENT was a "bad man," but was unable to tell  
14 her any details or say anything but the very briefest statement that he had been abused. Plaintiff  
15 told his mother not to let DECEDENT know that she had found out. Plaintiff was panicked that  
16 DECEDENT would find out that he had told his mother. When the DECEDENT called Plaintiff's  
17 mother, she pretended that she was not aware of DECEDENT's earlier threatening call to her son,  
18 or about the abuse.

19 64. DECEDENT's lawyers, together with Evvy Tavasci, DECEDENT's executive  
20 personal secretary, contacted Plaintiff and told him that he needed to testify and deny anything  
21 that the cooks at Neverland said that they saw happen between Plaintiff and DECEDENT.  
22 Plaintiff told them that he did not want any further involvement with the DECEDENT.

23 65. After the call with the DECEDENT's lawyers and Evvy, the DECEDENT called  
24 Plaintiff again. This call was towards the end of the criminal trial. DECEDENT told Plaintiff that  
25 that he "was sorry for not being there for [the Plaintiff]." The words that DECEDENT used and  
26 the tone of his voice appeared to Plaintiff to be rehearsed, as if the call were being tape recorded.  
27 Plaintiff feared that this was a possibility, as he knew from the past that the DECEDENT often  
28 taped telephone calls on a regular basis. Plaintiff wanted to get off the telephone call as quickly as

1 possible, as the very sound of the DECEDENT's voice made him very uncomfortable and put  
2 him into a panic mode. The DECEDENT continued to pressure Plaintiff to testify and told him  
3 that Gavin Arviso (the victim in the criminal prosecution) was just trying to get money. Plaintiff  
4 told DECEDENT not to call or try to talk to him ever again, and then ended the call.

5 66. On June 25, 2009, DECEDENT died.

6 67. Upon learning of his death, Plaintiff felt sad because he realized he would never  
7 have the opportunity for a normal relationship with the DECEDENT, and that his experiences  
8 with the DECEDENT would never be resolved.

9 68. Following his death, Plaintiff heard in news reports that DECEDENT's  
10 entertainment lawyer, named "Branca," would be managing DECEDENT's business affairs.  
11 Plaintiff knew he was a lawyer for DECEDENT and his companies, but had never met him.

12 69. After the birth of his son, in late 2010, Plaintiff began to worry that he himself  
13 would have pedophilic urges. Plaintiff started to see how innocent children really were. Plaintiff  
14 had married a woman he worked with in 2007. He had never told her about his sexual abuse.  
15 During his wife's pregnancy, Plaintiff had sought help from Dr. a general practitioner,  
16 who prescribed Xanax to help with his anxiety. Plaintiff did not discuss the abuse with Dr.  
17 , nor did he equate his anxiety with the abuse. Plaintiff had coped with the abuse for  
18 many years by compartmentalizing what had happened during his relationship with the  
19 DECEDENT.

20 70. Shortly after May 1, 2013, Plaintiff saw on the news that Wade Robson ("Wade"),  
21 who he had met in 1993, had filed a lawsuit against the DECEDENT for claims of childhood  
22 sexual abuse. After learning that Wade had made public the sexual abuse that he had suffered at  
23 the hands of the DECEDENT, Plaintiff's feelings of panic and anxiety heightened, and he thought  
24 that he might need help. By this time, Plaintiff now also had a newborn baby daughter, and his  
25 fears increased about his own children and what could happen to them.

26 71. Plaintiff never thought the feelings of panic and anxiety he had been suffering  
27 were the result of the sexual abuse by the DECEDENT. Rather, he thought they were just a part  
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1 of who he was. He had spent his entire life holding on to the DECEDENT's words that talking  
2 about what happened between them "would wreck [their] lives."

3 72. Plaintiff first met with a psychiatrist, Dr. Merrill , on May 20, 2013. He  
4 was finally able to discuss the abuse during his treatment. Plaintiff has been diagnosed with

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6 He is going to therapy one a week. Plaintiff tries to  
7 appear that he has "it together", but struggles on a daily basis with his panic, depression and  
8 anxiety. He did not realize how "sick" it was that DECEDENT did the things he did to him as a  
9 child until he began therapy. Until he had his own children and realized how innocent they were  
10 and what "bank slates" they were, he did not appreciate that when you are made to think as a  
11 child that something was "your idea" it did not seem as bad as it actually was, as in the case of his  
12 abuse by the DECEDENT.

13 73. California Civil Code Section 3517 – entitled "Clean hands" – provides that "[N]o  
14 one can take advantage of his own wrong." There can be no less clean hands than the hands of  
15 one who sexually abuses a child for the four years [1988-1992] as alleged above. DECEDENT's  
16 Estate should not be permitted to take advantage of the wrong caused by DECEDENT's sexual  
17 abuse, namely, Plaintiff's psychological inability to bring his claim until now. Plaintiff's heart,  
18 body and mind were so very severely manipulated as a child by DECEDENT that the  
19 psychological injury and damage it has caused Plaintiff to suffer will continue for a lifetime.  
20 Often victims of such childhood sexual abuse take their secret to the grave. Plaintiff has lived  
21 most of his life in unspeakable shame, guilt and denial as a result of DECEDENT's wrongdoing.  
22 The long-term psychological consequences of DECEDENT's threats, sexual trauma and mental  
23 manipulation imprisoned Plaintiff's mind and prevented him from filing a timely claim just as  
24 effectively as if he had been physically imprisoned by DECEDENT. Equity goes where justice  
25 requires, and justice here requires that Defendants be equitably estopped from raising statutory or  
26 other periods of limitation in defense of Plaintiff's claim for childhood sexual abuse.

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**Charging Allegations**

74. Plaintiff repeats and realleges as though fully set forth herein paragraphs 1 through 74, above, and incorporates them herein by reference.

75. As set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents \_\_\_\_\_, intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of sixteen (16) and which would have been proscribed by \_\_\_\_\_

76. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents \_\_\_\_\_, intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of fourteen (14) and which would have been proscribed by \_\_\_\_\_

77. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents \_\_\_\_\_, intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of fourteen (14) and which would have been proscribed by \_\_\_\_\_

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78. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of eighteen (18) and which would have been proscribed by

79. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents, intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of eighteen (18) and which would have been proscribed by

80. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents, intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of eighteen (18) and which would have been proscribed by





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eighteen (18) and which would have been proscribed by

85. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents , intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of eighteen (18) and which would have been proscribed by

86. On multiple occasions, as set forth more fully above, DECEDENT, together with his co-conspirators, alter egos, aiders and abettors and agents , intentionally committed the following act against Plaintiff that occurred when Plaintiff was under the age of sixteen (16) and which would have been proscribed by



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91. DECEDENT's acts were performed in co-conspiracy and with the aid and abetment and full knowledge and approval of the other Defendants. In particular, are liable for DECEDENT's acts of childhood sexual abuse pursuant to California Code of Civil Procedure Section 340.1(a)(2) and (3), and 340.1 (b)(2) in that owed a duty of care to the Plaintiff and their wrongful, intentional and/or negligent acts, as well as knowing failure to take reasonable steps to prevent DECEDENT from engaging in childhood sexual abuse, were a legal cause of the childhood sexual abuse which resulted in injury to the Plaintiff as alleged herein.

92. Defendants' conduct alleged above would cause a reasonable person to suffer severe mental and emotional distress.

93. But for the psychological injury, illness and damage caused by the childhood sexual abuse as alleged herein, Plaintiff would not have suffered from years of anxiety, panic, sleeplessness, fear and depression.

94. As a direct and proximate result of Defendants' childhood sexual abuse, Plaintiff's inter-personal relationships and ability to work has been detrimentally affected.

95. As a direct and proximate result of Defendants' childhood sexual abuse as alleged above, Plaintiff has suffered and will continue to suffer (a) severe mental and emotional distress including, but not limited to, severe anxiety, stress, anger, fear, low self-esteem, shame, humiliation, depression and physical distress; (b) expenses for mental health professionals and other medical treatment; and (c) loss of past and future earnings and other economic benefits according to proof at the time of trial.

96. The conduct alleged above included intentional, outrageous, malicious, despicable and oppressive acts beyond the bounds of decent behavior, which were undertaken, wantonly, oppressively and with a conscious disregard for Plaintiff's rights as a child. Plaintiff is therefore entitled to an award of punitive damages in an amount sufficient to punish, deter and make an example of those Defendants engaging in such behavior according to proof at trial.

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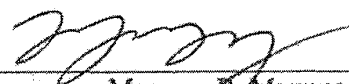
**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for Judgment against Defendants as follows:

1. For compensatory damages according to proof;
2. For punitive damages according to proof;
3. For an award of interest, including prejudgment interest, at the legal rate;
4. For an award of attorneys' fees, to the extent permitted by law;
5. For costs of suit incurred herein; and
6. For such other and further relief as the Court deems just and appropriate.

Dated: May <sup>5<sup>th</sup></sup>, 2014

GRADSTEIN & MARZANO, P.C.  
HENRY GRADSTEIN  
MARYANN R. MARZANO

By:   
Maryann R. Marzano  
Attorneys for Plaintiff  
JAMES SAFECHUCK

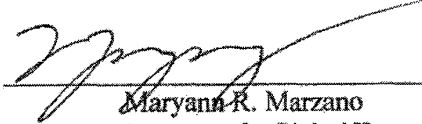
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**DEMAND FOR JURY TRIAL**

A trial by Jury is hereby demanded by Plaintiff.

Dated: May 5<sup>th</sup>, 2014

GRADSTEIN & MARZANO, P.C.  
HENRY GRADSTEIN  
MARYANN R. MARZANO

By:   
\_\_\_\_\_  
Maryann R. Marzano  
Attorneys for Plaintiff  
JAMES SAFECHUCK