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Los Angeles Superior Court

JUN 24 2009

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 BC416366

11 MARIO LAVANDEIRA a/k/a PEREZ
12 HILTON, an individual,

13 Plaintiff,

14 vs.

15 LIBORIO MOLINA a/k/a POLO MOLINA
16 a/k/a MOLINA LIBORIO a/k/a LIBORIO
17 MOLINA, JR. a/k/a LIBORIO A. MOLINA,
18 an individual; and DOES 1 through 50,
19 inclusive,

20 Defendants.

) Case No.:

COMPLAINT FOR:

(1) BATTERY;

(2) INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

21
22 Plaintiff Mario Lavandeira a/k/a Perez Hilton (hereinafter "Lavandeira") hereby alleges
23 as follows:

24 INTRODUCTION

25 1. This case arises out of the Black Eyed Peas and their road manager Polo Molina's
26 ("Molina") intent to intimidate and silence Lavandeira from negatively commenting about the
27 Black Eyed Peas and their latest album "The E.N.D." on the perezhilton.com Web site
28 (hereinafter the "Web site").

1 2. More specifically, in recent weeks, Lavandeira posted to the Web site his opinions that
2 the Black Eyed Peas' latest album was a disappointment as well as negative comments about
3 their lead singer Stacy Ann Ferguson a/k/a Fergie ("Fergie"). The Black Eyed Peas and Molina
4 did not take kindly to the criticism or negative publicity.

5 3. When Lavandeira refused to concede to the Black Eyed Peas' member William J.
6 Adams a/k/a will.i.am's ("will.i.am") belligerent demands to cease posting information about
7 the Black Eyed Peas on the Web site, Molina engaged in a brutal physical assault of Lavandeira
8 outside of the Toronto nightclub Cobra.

9 4. Lavandeira is informed and believes and thereon alleges that Molina and members of
10 the Black Eyed Peas, including without limitation will.i.am, have a long history of violence and
11 other criminal conduct. Among other things:

12 A. Lavandeira is informed and believes and thereon alleges that while filming a skit
13 for the television show "Punk'd" in 2004, Molina, believing he was actually
14 being taken into police custody, attempted to resist arrest by violently striking an
15 off-duty police officer who was working on the shoot.

16 B. Lavandeira is informed and believes and thereon alleges that on or about June
17 28, 2006 at an after-show party at club "40seconds" in Berlin, Germany,
18 will.i.am and one of his bodyguards were taken into custody after a brawl broke
19 out. Lavandeira is further informed and believes and thereon alleges that during
20 this incident several innocent bystanders sustained injuries resulting from flying
21 bottles and glasses.

22 C. Lavandeira is informed and believes, and thereon alleges that Molina is currently
23 serving a term of probation in California arising out of a conviction for driving
24 with a blood alcohol content of .08% or greater, in the case entitled *The People*
25 *of the State of California vs. Liborio Molina a/k/a Polo Molina* filed in the
26 Superior Court for the State of California for the County of Orange bearing case
27 number . Lavandeira is further informed and believes and thereon
28 alleges that pursuant to the terms of his probation, Molina has been required to,

1 among other things, not violate any law, and to only use his true name.
2 Lavandeira is informed and believes and thereon alleges that Molina has violated
3 the express terms of his probation, by among other things, committing an assault
4 against Lavandeira, and utilizing his alias Polo Molina.
5

6 5. By this lawsuit Lavandeira seeks to protect his Constitutional right to express his
7 opinions and to be free from physical violence and intimidation for exercising these rights.
8 Pointedly, no matter how angry Molina and his entourage may have been, no matter how much
9 they disagree with Lavandeira's opinions, they did not have, nor do they ever have, the right to
10 try and inflict physical harm on him or anyone else. Violence is never the answer and it will
11 never be tolerated by Lavandeira. Thus, the time has come for Molina to be held accountable for
12 his criminal behavior, and to try to explain his cowardly and heinous actions to a jury of his
13 peers. Moreover, punitive and exemplary damages must be awarded to show Molina and the
14 Black Eyed Peas that physical violence is never an acceptable response to one's expression of
15 opinion.

16 **PARTIES, JURISDICTION AND VENUE**

17 6. Lavandeira is, and at all times herein mentioned was, an individual residing in Los
18 Angeles County, California.

19 7. Lavandeira is an internet celebrity gossip "blogger" and the owner of the Web site.
20 Celebrities are the focus of his blog, and when the newsworthy events of their lives unfold, the
21 content of his site transforms gossip into journalism.

22 8. Lavandeira is informed and believes, and thereon alleges, that defendant Liborio Molina
23 a/k/a Polo Molina a/k/a Molina Liborio a/k/a Liborio Molina, Jr. a/k/a Liborio A. Molina is, and
24 at all times material hereto was, an individual residing in Los Angeles County, California.

25 9. Lavandeira is informed and believes and thereon alleges that Molina is, and at all
26 material times herein was the road manager of the group the Black Eyed Peas. The Black Eyed
27 Peas is a hip hop soul group known for such musical hits as "Where is the Love?", "Let's Get It
28 Started" and "Boom Boom Pow" amongst others. The Black Eye Peas' members are William J.

1 Adams a/k/a will.i.am, Stacy Ann Ferguson a/k/a Fergie, Allan Pineda Lindo a/k/a apl.de.ap,
2 and Jaime Luis Gómez a/k/a Taboo Nawasha.

3 10. Lavandeira is ignorant of the true names and capacities of defendants sued herein as
4 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names.
5 Lavandeira will amend this Complaint to allege their true names and capacities when
6 ascertained.

7 11. Lavandeira is informed and believes, and thereon alleges, that each of the defendants,
8 including the fictitiously-named defendants were acting as the agent, servant, employee, partner,
9 or joint venturer of each other defendant in doing the things alleged, or is responsible in some
10 manner for the damages and disputes herein alleged. Lavandeira is informed and believes, and
11 thereon alleges, that Lavandeira's damages as herein alleged were proximately caused by the
12 conduct of each of the fictitiously-named defendants in some manner.

13 12. Jurisdiction and venue for this action in the County of Los Angeles are proper in that
14 defendant Molina resides in the County of Los Angeles, State of California.

15 **FIRST CAUSE OF ACTION – BATTERY**

16 **(By Plaintiff Lavandeira against Defendants Molina and Does 1-50)**

17 13. Lavandeira hereby incorporates by reference paragraphs 1 through 12 of this Complaint
18 as though fully set forth herein.

19 14. This past weekend (June 19-22, 2009), Lavandeira was in Toronto Canada for the 2009
20 MuchMusic Video Awards show (the "Awards Show"). Lavandeira was invited to be a
21 presenter at the Awards Show. The Black Eyed Peas, who were nominated in the International
22 Video of the Year category, were also in attendance at the Awards Show.

23 15. On Saturday, June 20, 2009, Lavandeira attended a dress rehearsal with performer Lady
24 GaGa. During the dress rehearsal, Lavandeira was approached by Fergie, who demanded to
25 know why Lavandeira was being "mean" to her and the Black Eyed Peas. Lavandeira replied
26 that he was simply being honest and truthful about his opinions of them.

27 16. On Sunday, June 21, 2009, while attending the Awards Show, Lavandeira was
28 confronted by a member of the Black Eyed Peas' entourage who made an unwarranted and

1 offensive contact with Lavandeira. This person, in a clear attempt to intimidate and invoke fear
2 in Lavandeira, violently, and without any justification, slammed his shoulder into Lavandeira's
3 shoulder and thereafter pushed him. This cowardly action was clearly designed and intended to
4 intimidate Lavandeira.

5 17. Later in the evening on June 21, 2009, at an after-party at the nightclub Ultra,
6 Lavandeira was again approached by Fergie, who for a second time inquired into the reasons
7 why Lavandeira was not providing her and the Black Eyed Peas with positive feedback.
8 Lavandeira attempted to placate her again and informed her that he simply called it like he saw
9 it.

10 18. After the second encounter with Fergie, Lavandeira left the nightclub Ultra and went to
11 another after-party at the club Cobra. The members of the Black Eyed Peas remained at Ultra as
12 Lavandeira left.

13 19. Lavandeira was at Cobra for approximately one hour, when, while preparing to leave
14 the club, he was confronted by will.i.am. Will.i.am, in an openly hostile and extremely
15 aggressive manner, marched up to Lavandeira and began screaming at Lavandeira, within
16 inches of his face, demanding that Lavandeira no longer speak about the Black Eyed Peas.
17 Lavandeira, in an attempt to calm the situation, told will.i.am that he would try not to speak
18 about the Black Eyed Peas. Clearly, will.i.am, who was not interested in acting rationally or
19 reasonably, dismissed Lavandeira's statement and repeatedly kept on screaming at Lavandeira
20 in an attempt to intimidate Lavandeira and escalate the situation.

21 20. After consistently and repeatedly being stalked, threatened and harassed, Lavandeira
22 concluded that he had no other choice but to stand up to the strong-arm tactics of will.i.am.
23 After a further verbal exchange, and in order to avoid any further confrontation with will.i.am or
24 his entourage, Lavandeira proceeded to leave Cobra.

25 21. Will.i.am's entourage followed Lavandeira outside of Cobra. While standing outside, in
26 what can only be described as a spineless act, Molina punched Lavandeira from behind, hitting
27 him in the face. Molina then proceeded to punch Lavandeira two or three more times in the face.
28 Lavandeira sustained injury to his eye and was bleeding as a result of this violent and malicious

1 attack.

2 22. After this brutal physical altercation, Lavandeira left Cobra and went back to the SoHo
3 Metropolitan Hotel where Lady GaGa was staying. To his utter shock and dismay, upon
4 arriving at the hotel, Lavandeira discovered that will.i.am and his entourage had followed him
5 to the hotel. At this point Lavandeira was in serious fear for his personal safety. Lavandeira had
6 already endured hours of stalking and harassment as well as an egregious physical beating, and
7 it appeared that Molina, will.i.am and their entourage of thugs were unwilling to stop their
8 criminal behavior.

9 23. Based on his belief that his personal safety was still at risk, Lavandeira called the police
10 to report the incident. Lavandeira is informed and believes and thereon alleges that at
11 approximately 7:00 a.m. EDT on June 22, 2009, Molina was arrested and charged with assault
12 in connection with the physical attack on Lavandeira outside of the nightclub Cobra.

13 24. In repeatedly striking Lavandeira in the face as herein alleged, Molina acted with the
14 intent to make contact with Lavandeira's person.

15 25. At no time did Lavandeira consent to any of the acts of Molina as alleged above.

16 26. As a proximate result of the acts of Molina as alleged herein, Lavandeira sustained
17 injury to his right eye, which, as a result of this attack, was bleeding and is now bruised. As a
18 further proximate result of the acts of Molina as alleged herein, Lavandeira was hurt and injured
19 in his health, strength, and activity, sustaining injury to his nervous system and person, all of
20 which have caused, and continue to cause, Lavandeira great mental, physical, and nervous pain
21 and suffering.

22 27. As a result of the foregoing injuries, Lavandeira has suffered, and will continue to
23 suffer, general damages in an amount in excess of the minimum jurisdiction of the court,
24 according to proof at trial. In addition, Lavandeira is informed and believes and thereon alleges
25 that Lavandeira will incur medical expenses the exact amount of which is unknown as a result
26 of Molina's actions as alleged herein.

27 28. The aforementioned conduct of Molina was willful and malicious and was intended to
28 oppress and cause injury to Lavandeira. Lavandeira is therefore entitled to an award of punitive

1 damages.

2 **SECOND CAUSE OF ACTION – INTENTIONAL INFLICTION OF**
3 **EMOTIONAL DISTRESS**

4 **(By Plaintiff Lavandeira against Defendants Molina and Does 1-50)**

5 29. Lavandeira hereby incorporates by reference paragraphs 1 through 28 of this
6 Complaint as though fully set forth herein.

7 30. Molina’s conduct, as herein alleged, was intentional and malicious and done for the
8 purpose of causing Lavandeira to suffer humiliation, mental anguish, and emotional and
9 physical distress.

10 31. As the proximate result of the acts alleged above, Lavandeira suffered humiliation,
11 mental anguish, and emotional and physical distress, and has been injured in mind and body as
12 herein alleged all to Lavandeira’s damage.

13 32. As a result of the foregoing injuries, Lavandeira has suffered, and will continue to
14 suffer, general damages in an amount in excess of the minimum jurisdiction of the court,
15 according to proof at trial. In addition, Lavandeira is informed and believes and thereon alleges
16 that Lavandeira will incur medical expenses the exact amount of which is unknown as a result
17 of Molina’s actions as alleged herein.

18 33. The aforementioned conduct of Molina was willful and malicious and was intended to
19 oppress and cause injury to Lavandeira. Lavandeira is therefore entitled to an award of punitive
20 damages.

21
22 **WHEREFORE**, Lavandeira prays for judgment as follows:

23 **As to the First Cause of Action:**

- 24 1. For general damages in an amount in excess of the minimum jurisdiction of the court,
- 25 according to proof at trial;
- 26 2. For medical and related expenses according to proof;
- 27 3. For punitive damages;

28 ///

1 As to the Second Cause of Action:


- 2 4. For general damages in an amount in excess of the minimum jurisdiction of the court,
- 3 according to proof at trial;
- 4 5. For medical and related expenses according to proof;
- 5 6. For punitive damages;

6 As to All Causes of Action:

- 7 7. For costs of suit incurred herein; and
- 8 8. For any and further relief as the court may deem proper.

11 DATED: June 24, 2009

Respectfully submitted,
FREEDMAN & TAITELMAN, LLP

14
15 By: 
16 Bryan J. Freedman
17 Attorneys for Plaintiff Mario Lavandeira
18 a/k/a Perez Hilton