

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COURTNEY THOMPSON,

Plaintiff,

- against -

KHALICK ANTONIO CALDWELL;
BILLION DOLLAR BABY
ENTERTAINMENT, LLC; MICHAEL
AWUTE; and JOHN DOE,

Defendants.

Case No. 19-CV-7712

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Courtney Thompson files this Complaint against the above-captioned Defendants and alleges as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action under New York State Law, seeking relief for injuries caused by Defendants' intentional acts, reckless acts and omissions, and negligent acts and omissions, which resulted in serious bodily injury to Mr. Thompson.

2. On July 22, 2019, at 812 Broadway in Manhattan, New York, Defendants Awute and Doe, acting as agents of Defendants Caldwell and Billion Dollar Baby Entertainment, LLC, violently assaulted and injured Plaintiff without justification.

JURISDICTION AND VENUE

3. This action arises under the laws of the State of New York.

4. Jurisdiction lies in this Court under its diversity jurisdiction, 28 U.S.C. § 1332, because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is brought by a citizen of the State of New York against citizens of the State of North Carolina.

5. Venue is proper in this Court under 28 U.S.C. § 1391 because Plaintiff's claims arose within the Southern District of New York.

PARTIES

6. Plaintiff Courtney Thompson is an individual residing and domiciled in New York.

7. Defendant Khalick Antonio Caldwell, also known by his stage name "Stunna 4 Vegas," is an individual residing and domiciled in North Carolina. Defendant Caldwell was, at all relevant times, an employee and agent of Billion Dollar Baby Entertainment, LLC, acting within the scope of his agency and employment duties and with the express and/or implied authority of Defendant Billion Dollar Baby Entertainment, LLC.

8. Defendant Billion Dollar Baby Entertainment, LLC, is a North Carolina corporation formed in North Carolina in 2017, under North Carolina Secretary of State Identification Number 1571733, residing and domiciled in North Carolina.

9. Defendant Michael Awute is an individual residing and domiciled in North Carolina. Defendant Awute was, at all relevant times, an employee and agent of Defendants Billion Dollar Baby Entertainment, LLC, and

Caldwell, acting within the scope of his agency and employment duties and with the express and/or implied authority of Defendants Billion Dollar Baby Entertainment, LLC, and Caldwell.

10. Defendant John Doe is an individual residing and domiciled in North Carolina, whose name is presently unknown to Plaintiff. Defendant Doe was, at all relevant times, an employee and agent of Defendants Billion Dollar Baby Entertainment, LLC, and Caldwell, acting within the scope of his agency and employment duties and with the express and/or implied authority of Defendants Billion Dollar Baby Entertainment, LLC, and Caldwell.

GENERAL ALLEGATIONS

11. On July 22, 2019, Plaintiff was shopping inside Flight Club, a sneaker store located at 812 Broadway in Manhattan.

12. Defendants Caldwell, Awute, and Doe were present in Flight Club.

13. Defendant Awute struck Plaintiff in the face.

14. Defendant Doe kicked Plaintiff in the head.

15. Defendants Awute and Doe's contacts with Plaintiff's body were intentional.

16. Defendants Awute and Doe's contacts with Plaintiff's body were not legally justified, and Plaintiff did not consent to them.

17. Plaintiff did not touch or threaten either Defendant Awute or Doe in any way.

18. Defendant Awute and Doe's contact with Plaintiff's body caused injury to Plaintiff, including a wound to his face that required stitches, bleeding, swelling, permanent scarring, significant pain, shock, and emotional distress.

19. Defendant Billion Dollar Baby Entertainment, LLC is a music company that promotes itself as violent and murderous group.

20. Both the principals and agents of Defendant Billion Dollar Baby Entertainment, LLC, including Defendant Caldwell, frequently encourage violence by their employees and agents, through their music and actions.

21. The principals and agents of Defendant Billion Dollar Baby Entertainment, LLC, including Defendant Caldwell, regularly boast publicly about paying others to commit acts of violence on their behalf.

22. At all relevant times, Defendants Awute and Doe were acting as employees and agents of Defendants Caldwell and Billion Dollar Baby Entertainment, LLC. Their acts of violence toward Plaintiff were instigated, condoned, and/or authorized by Defendants Caldwell and Billion Dollar Baby Entertainment, LLC.

FIRST CAUSE OF ACTION

Battery (Under New York State Law)

Against All Defendants

23. Plaintiff repeats and incorporates the foregoing allegations.

24. Defendants Awute and Doe committed offensive contact with Plaintiff, without justification or consent, thereby causing injury.

25. Defendants Caldwell and Billion Dollar Baby Entertainment, LLC are vicariously liable for Defendants Awute and Doe's acts of violence.

SECOND CAUSE OF ACTION

Assault (Under New York State Law)

Against All Defendants

26. Plaintiff repeats and incorporates the foregoing allegations.

27. Defendants Awute and Doe committed acts causing Plaintiff an apprehension of imminent harmful or offensive contact to his person, with the intent of causing such contact or the apprehension thereof.

28. Plaintiff was aware of the threat and did not consent to it.

29. Defendants Caldwell and Billion Dollar Baby Entertainment, LLC are vicariously liable for Defendants Awute and Doe's acts of violence.

THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress (Under New York State Law)

Against All Defendants

30. Plaintiff repeats and realleges the foregoing allegations.

31. Defendants Awute and Doe engaged in extreme and outrageous conduct directed at Plaintiff.

32. Defendants Awute and Doe acted with the intent of causing, or with reckless disregard for the substantial probability that it would cause, severe emotional distress to Plaintiff.

33. Defendants Awute and Doe's actions proximately caused severe emotional distress to Plaintiff.

34. Defendants Caldwell and Billion Dollar Baby Entertainment, LLC are vicariously liable for Defendants Awute and Doe's acts of violence.

WHEREFORE, Plaintiff Courtney Thompson demands judgment against the above-captioned Defendants as follows:

- a. For compensatory damages in an amount to be determined at trial, but not less than four hundred thousand dollars;
- b. For punitive damages in an amount to be determined at trial;
- c. For pre- and post-judgment interest as allowed by law; and
- d. For such other relief as this Court deems just and proper.

Dated: August 17, 2019
New York, New York

DAVID B. SHANIES LAW OFFICE

By: David B. Shanies
David B. Shanies
Joel A. Wertheimer
411 Lafayette Street, Sixth Floor
New York, New York 10003
(212) 951-1710 (Tel)
(212) 951-1350 (Fax)
david@shanieslaw.com

Counsel for Plaintiff Courtney Thompson