

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT TOELK a/k/a
SCOTT DIDONATO
3 Hunters Creek Circle
Mullica Hill, NJ 08062

and

RICHARD TOELK
7 Crysta Court
Franklinville, NJ 08322

and

VERONICA TOELK-GARBARINO
3 Hunters Creek Circle
Mullica Hill, NJ 08062

CIVIL ACTION NO.

v.

PAUL MORRISSEY
26 E. 81st Street
New York, NY 10028

and

ANDY WARHOL FOUNDATION FOR
THE VISUAL ARTS, INC.
19 East 32nd Street
New York, NY 10016

and

IMAGE ENTERTAINMENT, INC.
20525 Nordhoff Street, Suite 200
Chatsworth, CA 91311-6104

and

SCORE-SARX COMPANY
20525 Nordhoff Street, Suite 200
Chatsworth, CA 91311-6104

CIVIL ACTION COMPLAINT

1. Plaintiff, Scott Toelk a/k/a Scott DiDonato, is an adult individual, residing at 3 Hunters Creek Circle, Mullica Hill, New Jersey 08062.

2. Plaintiff, Richard Toelk, is an adult individual, residing at 7 Crysta Court, Franklinville, New Jersey 08322.

3. Plaintiff, Veronica Toelk-Garbarino is an adult individual, residing at 3 Hunters Creek Circle, Mullica Hill, New Jersey 08062.

4. Defendant, Paul Morrissey, is an adult individual and movie producer, with an address located at 26 East 81st Street, New York, NY 10028.

5. Defendant, Andy Warhol Foundation for the Visual Arts, Inc., is a foundation that was founded by the late Andy Warhol and is located at 19 East 32nd Street, New York, New York 10016 and owns the rights and property of the late Andy Warhol.

6. Defendant, Image Entertainment, Inc., located at 20525 Nordhoff Street, Suite 200, Chatsworth, CA 91311-6104, is the distributor of the films and DVDs of Defendant, Paul Morrissey.

7. Defendant, Score-Sarx Company, is a production company and is located at 20525 Nordhoff Street, Suite 200, Chatsworth, CA 91311-6104, that produced the films and DVDs for Defendant, Paul Morrissey.

8. Federal jurisdiction is based on diversity of citizenship and interstate commerce and federal statutes.

Facts:

9. In or about the mid to late 1960's and early 1970's, Defendant, Paul Morrissey, while in the employ and creative relationship with late Andy Warhol, in an attempt to create certain types of films, did procure a 14 year old boy to star in their films. That individual, Richard Toelk, was the father of the Plaintiffs. At the time he was hired by Defendants, Paul Morrissey and the late Andy Warhol, Richard Toelk was 14 years of age.

10. Defendant, Paul Morrissey, and the late Andy Warhol during the production of their movie called “All Aboard to Dreamland Choo Choo”, did abuse the 14 year old by giving him drugs as seen in the film and also torturing him.

11. This film was not the only time that Defendant, Paul Morrissey, utilized the minor individual, Richard Toelk, but did so throughout his teenage years.

12. The movies were produced and directed by Defendant, Morrissey and the late Andy Warhol and distributed under the auspices Defendants, Foundation, Score-Sarx Company and Imaging Entertainment, Inc. for circulation in the marketplace via mail orders, internet, etc. and can still be purchased today.

13. Over the decades, those films were produced, reproduced and turned into DVDs through the help of the other Defendants and distributed via bookstores, on the internet and in movie stores for the financial benefit of the Defendants.

14. Defendants, in reproducing, marketing, renting and/or selling these DVDs, are making money from the abuse to the minor individual, Richard Toelk.

COUNT I

15. Plaintiffs incorporate by reference paragraphs 1 through 14 as though same were set forth fully hereinafter.

16. Plaintiffs allege that the Defendants through utilizing interstate commerce and the internet are profiting on the sexual exploitation of their late father, Richard Toelk, who died at an early age.

17. The profiteering by the Defendants, through child pornography and exploitation, as shown in the movies, has brought great hardship, embarrassment and shame on the Toelk family.

18. Defendants' actions were in violation of Federal Child Pornography Statutes.

WHEREFORE, Plaintiffs request damages in excess of \$100,000.00, against the Defendants, jointly and/or severally.

COUNT II

19. Plaintiffs incorporate by reference paragraphs 1 through 18 as though same were set forth fully hereinafter.

20. The Plaintiffs claim that the civil rights of Richard Toelk, were violated through the actions of the Defendant, Morrissey and the other named Defendants in the producing, directing, publication and sales of the movies and/or DVDs with regard to Richard Toelk. Said actions of the Defendants are so egregious that the family is presenting claims with regard to the torture of their late father while a minor, Richard Toelk.

WHEREFORE, Plaintiffs request damages in excess of \$100,000.00, against the Defendant, Paul Morrissey.

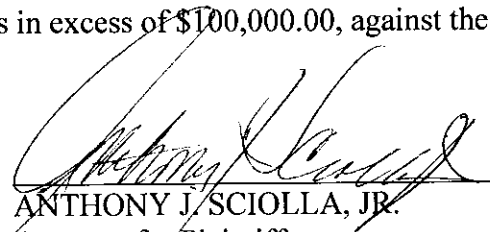
COUNT III

Invasion of Privacy and Negligent Infliction of Emotional Distress

21. Plaintiffs incorporate by reference paragraphs 1 through 20 as though same were set forth fully hereinafter.

22. The actions of the Defendants while earning money from the production, sale or lease of the movie and/or movies on an ongoing basis and even until today showing the exploitation of the minor, Richard Toelk, has put the Plaintiffs and their family in poor light.

WHEREFORE, Plaintiffs request damages in excess of \$100,000.00, against the Defendants, jointly and/or severally.



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