

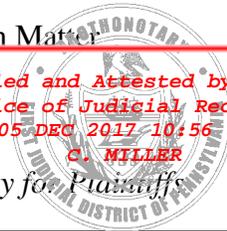
USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 09/07/2018  
 You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.  
 This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo or appeal from a decision entered by a Judge.

**GREENBLATT PIERCE FUNT & FLORES**

By: Harry J. Kane, Jr., Esquire  
 Identification No. 52610  
 123 S. Broad St.—Suite 2500  
 Philadelphia, PA 19109  
 (215) 735-1600

Arbitration Matter

Filed and Attested by the  
 Office of Judicial Records  
 05 DEC 2017 10:56 am



Attorney for Plaintiffs

NICOLE MACON  
 1644 West French St.  
 Philadelphia, PA 19121

*Plaintiff,*

vs.

TREMAINE NEVERSON a/k/a  
 TREY SONGZ  
 c/o Atlantic Records  
 1290 Avenue of the Americas  
 New York, NY 10104

and

VANITY GRAND CABARET  
 6130 Passyunk Ave.  
 Philadelphia, PA 19153,

*Defendants*

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

NOVEMBER TERM 2017

NO.

**CIVIL ACTION COMPLAINT**  
**2B-ASSAULT AND BATTERY**

1. Plaintiff, **NICOLE MACON**, is an adult individual residing at the above address.
2. Defendant, **TREMAINE NEVERSON a/k/a TREY SONGZ** (“NEVERSON”), is an adult individual with an address for service of process at the above address.
3. Defendant, **VANITY GRAND CABARET** (“VANITY”) is a corporation, partnership, agency, sole proprietorship or other business entity duly organized and existing under the laws of the Commonwealth of Pennsylvania, trading as **VANITY GRAND CABARET** and maintains its principal place of business at the above address.

4. At all times material hereto, Defendant **VANITY** was acting by and through its duly authorized agents, servants, workmen or employees, who were acting within the course and scope of their employment and on the business of said employer.

5. On or about May 14, 2017, at approximately 4:00 a.m., Plaintiff was a business invitee and patron at the Defendant **VANITY'S** nightclub, and as a business invitee was owed the highest standard of care.

6. Defendant **VANITY** had promoted and presented Defendant **NEVERSON** that evening for a "VIP" event.

7. Plaintiff had purchased tickets to see **NEVERSON** in a special VIP area.

8. At all times material hereto, **VANITY** was aware of Defendant **NEVERSON'S** propensity toward violence and negative interaction with the public.

9. Defendant **VANITY** took no measures to protect its clientele and patrons such as the Plaintiff.

10. Throughout the VIP event, Defendant **Neverson** was combative with and disrespectful toward patrons, including specifically, the Plaintiff.

11. At no time did security or any **VANITY** personnel intervene.

12. After the event ended, Plaintiff was in the parking lot of the establishment.

13. She attempted to take a photograph of **Neverson**, the celebrity star, with her cellular phone.

14. **Neverson**, accosted her, smacked the phone out of her hand, hitting her in the face and breaking her glasses.

15. **Neverson's** attack was unprovoked.

16. No one from security or any **VANITY** personnel came to the aid of the Plaintiff.

17. As a direct, proximate result of the attack by Neverson, Plaintiff suffered physical injury and property damage to her glasses, shirt and chain.

18. On information and belief the entire episode is captured on Defendant's security video which has been requested, but not turned over.

**COUNT I**  
**MACON V VANITY GRAND**

19. Plaintiff, NICOLE MACON, incorporates by reference herein the allegations contained in the foregoing paragraphs of Plaintiff's Complaint, as fully as though same were here set forth at length.

20. The assault upon Plaintiff, NICOLE MACON, and the injuries, damages and losses suffered by Plaintiff, more fully set forth hereinafter were the direct and proximate result of the willful, wanton, careless and negligent conduct of Defendant, acting by and through its duly authorized agents, servants, workmen or employees, consisting of the following:

- a) Promoting a performer of known intemperate and vicious habits and allowing him to remain unsupervised and unrestrained;
- b) Failing to supervise the premises and, in particular, the conduct of a performer who Defendant knew, or in the exercise of reasonable care, should have known posed a threat and risk to persons such as Plaintiff;
- c) Failing to warn Plaintiff that individuals of known intemperate and vicious habits of its performers which posed a risk and threat to other persons, including Plaintiff;
- d) Failing to have adequate personnel present to supervise the behavior of employees of Defendant; and
- e) Failing to properly train its employees;

21. As the direct and proximate result of Defendant's negligence, Plaintiff suffered injuries to her face and hands along with her right leg and foot; together with a severe shock to her nerves and nervous system; which injuries have caused her pain and suffering in the past and may continue to do in the future; which injuries have prevented her and may continue to prevent her from attending to his daily and usual duties; which injuries have required her to expend money for medicine and/or medical attention in an attempt to treat, cure and care for herself, injured as aforesaid; all of which has been and continues to be to her great damage and loss.

**WHEREFORE**, Plaintiff demands judgment against Defendant, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), together with punitive damages, interest, costs, counsel fees and damages for delay.

**COUNT II**  
**MACON V NEVERSON**

22. Plaintiff, NICOLE MACON, incorporates by reference herein the allegations contained in the foregoing paragraphs of Plaintiff's Complaint, as fully as though same were here set forth at length.

23. Defendant Neverson struck Plaintiff unprovoked without privilege or justification.

24. Defendant's conduct constitutes an offensive touching upon the Plaintiff.

25. Defendant's conduct is particularly outrageous in light of the fact that Plaintiff had paid to attend his VIP event.

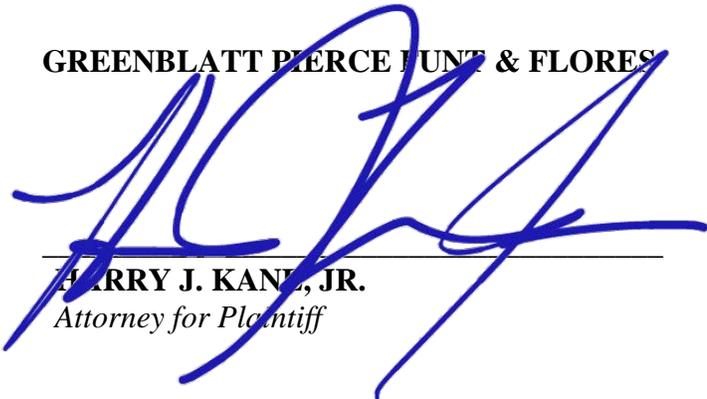
26. As the direct and proximate result of Defendant's conduct, Plaintiff suffered injuries to her face and hands, along with bruising to her right leg and foot; together with a severe shock to her nerves and nervous system; which injuries have caused her pain and suffering in the past and may continue to do in the future; which injuries have prevented her and may continue to

prevent her from attending to his daily and usual duties; which injuries have required her to expend money for medicine and/or medical attention in an attempt to treat, cure and care for herself, injured as aforesaid; all of which has been and continues to be to her great damage and loss.

**WHEREFORE**, Plaintiff demands judgment against Defendant, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), together with punitive damages, interest, costs, counsel fees and damages for delay.

**GREENBLATT PIERCE FUNT & FLORES**

BY:

  
\_\_\_\_\_  
**HARRY J. KANE, JR.**  
*Attorney for Plaintiff*

Dated: December 5, 2017