

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

GIOVANNI ARNOLD,

Plaintiff,

-against-

BELCALIS ALMANZAR p/k/a CARDI B, KIARI
KENDRELL CEPHUS p/k/a OFFSET, QUALITY
CONTROL MANAGEMENT, LLC, MARK HOTEL
LLC and JOHN DOES 1-3,

Defendants.

COMPLAINT

Index No.

Plaintiff GIOVANNI ARNOLD (“Plaintiff” or “Mr. Arnold”), by his attorney, DANIEL SZALKIEWICZ & ASSOCIATES, P.C. complaining of the defendants, BELCALIS ALMANZAR p/k/a CARDI B (“Cardi B”), KIARI KENDRELL CEPHUS p/k/a OFFSET (“Offset”), QUALITY CONTROL MANAGEMENT, LLC (“QCM”), MARK HOTEL LLC (“Mark Hotel”) and JOHN DOES 1-3 (“Unknown Assailants,” and together with Cardi B, Offset, QCM and Mark Hotel, the “Defendants”) respectfully alleges, upon information and belief:

PRELIMINARY STATEMENT

1. This action arises following a savage assault that took place in the early hours of May 8, 2018 outside a Met Gala afterparty. Upon seeing Cardi B and Offset exit the Mark Hotel, Mr. Arnold asked for an autograph. Not willing to stop for a fan, Cardi B and her entourage blew past the Plaintiff, ignoring him. When Mr. Arnold repeated his request, Cardi B turned to Plaintiff and threatened to “slap the shit outta” him. Defendant Offset then directed Mr. Arnold to “shut

up, bro, before a nigga beat you out here.” As Defendants Cardi B and Offset entered their waiting vehicle, they ordered the Unknown Assailants to attack Plaintiff.

2. At Cardi B and Offset’s command, John Does 1-3 savagely beat Plaintiff, punching him and then stomping on his face while he was on the ground. Mark Hotel security watched idly as the melee unfolded, as the beatdown occurred, and then as Plaintiff’s attackers fled from the scene.

3. The assault comes on the heels of several other violent incidents precipitated by Cardi B and Offset, all of which should have indicated to QCM that their security team’s propensity for violence made them more of a threat to the public than vice versa.

4. As a result of the attack, Plaintiff was severely injured.

PARTIES

5. Plaintiff, at all times herein mentioned, was and still is a resident of the County of Bronx, State of New York.

6. Upon information and belief, at all times herein mentioned, Defendant Cardi B, was and still is a resident of the State of New Jersey.

7. Defendant Cardi B is a rap artist and public figure.

8. Upon information and belief, at all times herein mentioned, Defendant Offset, was and still is a resident of the State of Georgia.

9. Defendant Offset is a hip-hop recording artist and member of the hip-hop trio Migos.

10. Upon information and belief, at all times herein mentioned, Defendant QCM was and still is a foreign limited liability company duly existing under and by virtue of the laws of the

State of Georgia, with its principal place of business at 541 Tenth Street NW, Suite 365 Atlanta, Georgia.

11. Defendant QCM is a limited liability company engaged in personal artist management, including, but not limited to, employing security personnel for Defendants Cardi B. and Offset.

12. Defendant QCM has represented Offset for a number of years and, in early 2018 began representing Cardi B as well.

13. Upon information and belief, Defendant QCM was responsible for managing Cardi B and Offset at the time of the attack. As part of their contract with Cardi B and Offset, Defendant QCM was responsible for, among other things, the operation, practices, retention, hiring, supervision, training, control and discipline of the Unknown Assailants.

14. Upon information and belief, at all times herein mentioned, Defendant Mark Hotel was and still is a domestic limited liability company duly existing under and by virtue of the laws of the State of New York.

15. Defendant Mark Hotel owned certain premises located at 21 E 77th Street, in the City, County and State of New York, known as THE MARK.

16. Defendant Mark Hotel, its servants, agents and/or employees, operated, and maintained said premises located at 21 E 77th Street, in the City, County and State of New York, known as THE MARK.

17. Defendant Mark Hotel is also responsible for the operation, practices, retention, hiring, supervision, training, control and discipline of the security staff outside the Mark Hotel.

18. Defendants Unknown Assailants are three individuals who were employees, agents, security personnel, friends, and/or or contractors of defendants Cardi B, Offset, and QCM.

19. Upon information and belief, the Unknown Assailants were employed in violation of Article 7A of the General Business Law [§89-f (6)].

History of Violent Confrontations

20. Defendants Cardi B, Offset, and their friends/agents/security personnel frequently instigate violent confrontations with fans and individuals.

21. The brawl marks the third time Offset has been accused of provoking violence. In 2015, he was also charged with battery and inciting a riot while in prison.

22. Additionally, just two months before the incident involving Plaintiff, Offset and his group, Migos, were sued for their involvement in a vicious riot which took place at their concert; the civil complaint filed as a result alleges that he and other members of his group encouraged fans and his own entourage to “give them hell” and “kick ass[.]”

23. An exhaustive list of Offset’s altercations would be near-impossible; YouTube is filled with countless videos of Offset and his group getting into fistfights outside of various hotels, at a mall, on sidewalks, and at their concerts.

24. Searching YouTube for Cardi B shows a similar propensity for violence; the results are fraught with shoe-throwing and street confrontations.

25. A little more than a week before the incident, on April 25, 2018, Cardi B was caught on video in Las Vegas aggressively “barking” at a fan who had asked for a photograph. Cardi B can be seen pushing past her security to continue to berate the fan.

26. Just three days after that, Cardi B’s security personnel was put to work once again after Offset and his group attacked a valet member who had asked for a car to be moved.

27. Suffice it to say, the road to the two entertainers' overnight success has been paved with carnage.

The Early Morning of May 8, 2018

28. On May 7, 2018, Cardi B and Offset were invited guests at the 2018 Met Gala, an annual event in which famous entertainers gather to raise money for the Metropolitan Museum of Art's Costume Institute.

29. After the conclusion of the Met Gala, Cardi B, Offset, and the Unknown Assailants attended one of the gala's many afterparties. The event, which was hosted by Versace, took place just a few blocks away from the gala at the Mark Hotel.

30. Cardi B, Offset, and the Unknown Assailants remained at the party for several hours. Offset and his group, Migos, performed at the event.

31. At or about 2:15 a.m. on May 8, 2018, Cardi B, Offset, the Unknown Assailants, and others, left the Mark Hotel afterparty, encountering Plaintiff as they exited the hotel.

32. Plaintiff, who was not invited to the event, had been patiently waiting within the ropes and barricades placed outside the Mark Hotel doors along with a small crowd of other individuals hoping to meet and receive photographs from Cardi B and other famous faces in attendance that night.

33. Unfortunately for Plaintiff, Cardi B was not interested in greeting fans that evening and shouted at Plaintiff "Fuck outta here nigga, I will slap the shit outta you." Plaintiff verbally expressed his disappointment with being ignored, but Cardi B, Offset, and the Unknown Assailants walked past him.

34. Before entering the vehicle, Cardi B and/or Offset signaled to the Unknown Assailants that they wanted Plaintiff to be physically attacked.

35. While Cardi B was entering one of the vehicles outside the hotel, Offset, trailing behind her said to Plaintiff “shut up, bro, before a nigga beat you out here.”

36. Attempting to deescalate the situation, Plaintiff replied “Aw man, for an autograph? Damn, that’s serious.”

37. Within seconds, John Doe 1 had aggressively approached Plaintiff, who backed himself toward a barricade in place, ironically enough, to protect celebrities from fans. As John Doe 1 descended upon Plaintiff, another unknown assailant, John Doe 2, exited the front passenger door of one of the black SUVs to join the confrontation.

38. Soon, John Doe 1 swung his fist at Plaintiff’s face, sending Plaintiff to the ground. Moments later, John Doe 1 and John Doe 2 were on top of Plaintiff striking him. In the melee that ensued, Plaintiff was punched and kicked repeatedly by the three Unknown Assailants.

39. Plaintiff, who never once physically lashed out at Defendants, laid on the ground protecting his face and body while the Unknown Assailants piled on top of him and continuously hit him.

40. Eventually, the Unknown Assailants dispersed from the scene of the incident. With Plaintiff still lying on the ground, John Doe 3 returned to inflict one last running jump kick on Plaintiff’s head before again scurrying away from the scene with the other Unknown Assailants.

41. In videos of the incident, one of the black SUVs can be heard and seen speeding away from the scene.

42. Plaintiff was immediately transported to an area hospital for the injuries he sustained to his face, neck, back, and body. After hours of observation he was released from the hospital into his wife's care.

43. The savage attack was caught on multiple cell phone cameras by fans and provided to media outlets and the New York Police Department alike.

44. Describing the incident at a press conference, a representative of the New York Police Department stated:

at some point three individuals run over and physically assault this individual. difficult to ascertain on the video, but what you see essentially is but somebody punch, the individual goes down, then a flurry of either additional punches or kick to that individual... I have the upmost confidence that if there was in fact a crime committed, which apparently there was, we will bring whoever there was to justice.

45. As of the filing of this complaint, the Unknown Assailants are still at large and those aware of the Unknown Assailants' identities remain uncooperative.

46. When asked for a comment about the attack, Cardi B stated, "I'm legally blind."

AS AND FOR A FIRST CAUSE OF ACTION
(Against the Unknown Assailants for Assault)

47. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

48. On May 8, 2018, the Unknown Assailants intentionally placed plaintiff in apprehension of imminent, harmful and/or offensive conduct.

49. On May 8, 2018, Plaintiff sustained severe injuries and experienced pain and suffering.

50. By reason of the aforesaid occurrence and the injuries which Plaintiff sustained thereby, he was caused to sustain and suffer physical and psychological injuries; he has suffered

and will continue to suffer physical pain, mental anguish and emotional harm; he has been and will be put to great expense in an effort to be cured of his said injuries; he has been and will be prevented from attending to his usual and customary activities and pursuits, including his employment; he has suffered and will continue to suffer pecuniary loss thereby; and his said injuries are permanent in nature.

51. By reason of the foregoing, Plaintiff has sustained damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
(Against the Unknown Assailants for Battery)

52. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

53. The Unknown Assailants made intentional bodily contact of an offensive nature with Plaintiff when they punched and kicked him in the face and body.

54. No actions on the part of Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

55. By reason of the aforesaid occurrence and the injuries which Plaintiff sustained thereby, he was caused to sustain and suffer physical and psychological injuries; he has suffered and will continue to suffer physical pain, mental anguish and emotional harm; he has been and will be put to great expense in an effort to be cured of his said injuries; he has been and will be prevented from attending to his usual and customary activities and pursuits, including his employment; he has suffered and will continue to suffer pecuniary loss thereby; and his said injuries are permanent in nature.

56. By reason of the foregoing, Plaintiff has sustained damages in an amount exceeding

the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
(Against Cardi B for Assault)

57. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

58. On May 8, 2018, Defendant Cardi B intentionally placed Plaintiff in apprehension of imminent, harmful and/or offensive conduct.

59. On May 8, 2018, Plaintiff sustained severe injuries and experienced pain and suffering.

60. By reason of the aforesaid occurrence and the injuries which Plaintiff sustained thereby, he was caused to sustain and suffer physical and psychological injuries; he has suffered and will continue to suffer physical pain, mental anguish and emotional harm; he has been and will be put to great expense in an effort to be cured of his said injuries; he has been and will be prevented from attending to his usual and customary activities and pursuits, including his employment; he has suffered and will continue to suffer pecuniary loss thereby; and his said injuries are permanent in nature.

61. By reason of the foregoing, Plaintiff has sustained damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FORTH CAUSE OF ACTION
(Against Offset for Assault)

62. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

63. On May 8, 2018, Defendant Offset intentionally placed Plaintiff in apprehension of imminent, harmful and/or offensive conduct.

64. On May 8, 2018, Plaintiff sustained severe injuries and experienced pain and suffering.

65. By reason of the aforesaid occurrence and the injuries which Plaintiff sustained thereby, he was caused to sustain and suffer physical and psychological injuries; he has suffered and will continue to suffer physical pain, mental anguish and emotional harm; he has been and will be put to great expense in an effort to be cured of his said injuries; he has been and will be prevented from attending to his usual and customary activities and pursuits, including his employment; he has suffered and will continue to suffer pecuniary loss thereby; and his said injuries are permanent in nature.

66. By reason of the foregoing, Plaintiff has sustained damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION
(Against Cardi B and Offset for Vicarious Liability Assault and Battery)

67. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

68. At all times material, Cardi B and Offset employed the Unknown Assailants who, as members of their protective team, agents, or friends, were under Cardi B and Offset's direct supervision, employ, and control when they committed the acts upon Plaintiff described herein.

69. The Unknown Assailants were acting within the course and scope of their employment for Cardi B and Offset when they committed the acts upon Plaintiff described herein.

70. Upon information and belief, the Unknown Assailants were directed or induced into attacking Plaintiff by Offset and Cardi B.

71. The Unknown Assailants involved in assaulting Plaintiff were at all times herein mentioned acting in such capacity as the agents, servants and employees of Cardi B and Offset.

72. If the Unknown Assailants were not employees of Cardi B and Offset, they were their agents, under their complete dominion and control.

73. The aforesaid actions of the Unknown Assailants, in their capacity as officers, agents, servants and/or employees of Defendant, Cardi B and Offset were negligent, willful, intentional, unwarranted and/or constituted an assault and battery upon Plaintiff, and those actions were requested, approved and/or ratified by Defendants Cardi B and Offset.

74. At all times relevant hereto the Unknown Assailants were acting under the color of law, state authority, statute, custom or usage, and pursuant to their official authority. All of the actions were done intentionally.

75. That at all times herein mentioned, and at the above time and place, the conduct of the Unknown Assailants, and each of them, their servants, agents and/or employees, was willful, wanton, malicious, offensive and outrageous.

76. Defendants Cardi B and Offset were on notice of the Unknown Assailants' propensity for violence.

77. That by reason of the foregoing occurrence, Plaintiff was wounded; sustained severe and painful bodily injuries, including, but not limited to a fractured face; severe shock to his physical well-being and his mental health; will be caused to suffer continuous mental pain and inconvenience and embarrassment; was and will be required to seek medical attention to cure and ameliorate his injuries; was and will be required to expend diverse sums for medical expenses; was

unable to engage in his usual activities; was unable to pursue lucrative career opportunities; is informed and verily believes that his injuries, as aforesaid, will be permanent and that he will be permanently disabled and disfigured and caused to suffer continuous physical and mental pain and inconvenience, and was otherwise injured.

78. That by reason of the foregoing, and the malicious and intentional acts of the Defendants, and each of them, the Plaintiff has been rendered sick, sore, lame and disabled; that he has suffered pain, mental anguish, anxiety and emotional distress, together with shock, fright, apprehension, embarrassment, humiliation and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result and believes he will continue to suffer same in the future.

79. The aforesaid actions of Unknown Assailants, in their capacity as officers, agents, servants and/or employees of Defendants Cardi B and Offset, were negligent, willful, intentional, unwarranted and/or constituted an assault and battery upon plaintiff, and those actions occurred in the course of their employment and/or scope of their relationship by Defendants Cardi B and Offset.

80. Therefore, Cardi B and Offset are liable for the wrongful conduct of the Unknown Assailants.

81. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

82. The Plaintiff seeks punitive damages against the Defendants.

83. That by reason of the foregoing, Plaintiff has sustained general, special, and punitive damages in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION
(Against Cardi B and Offset for Intentional Infliction of Emotional Distress)

84. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

85. That at all times herein mentioned, the aforesaid conduct of Defendants Cardi B and Offset toward the Plaintiff was intentional, shocking, and outrageous and exceeded all reasonable bounds of decency.

86. That as a result of the above, the Plaintiff was caused to suffer severe emotional distress.

87. That the Defendants Cardi B and Offset, their servants, agents, and employees, intended to cause such distress to Plaintiff, and/or acted under circumstances known to Defendants, and each of them, which made it substantially certain that Plaintiff would suffer emotional distress, and/or acted recklessly and with utter disregard of the consequences.

88. That at all times herein mentioned, and at the above time and place, the conduct of the Defendants, and each of them, their servants, agents and/or employees, was willful, wanton, malicious, offensive, and outrageous.

89. That, by reason of the foregoing, and the malicious and intentional acts of the Defendants, and each of them, the Plaintiff has been rendered sick, sore, lame, and disabled; that he has suffered pain, mental anguish, anxiety, and emotional distress, together with shock, fright,

apprehension, embarrassment, humiliation, and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result and believes he will continue to suffer same in the future.

90. That, by reason of the foregoing, Plaintiff has sustained general, special, and punitive damages, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION
(Against Cardi B and Offset for Reckless Infliction of Emotional Distress)

91. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

92. That, at all times herein mentioned, the aforesaid conduct of Defendants Cardi B and Offset toward the Plaintiff was reckless, was done with a reckless disregard, and was shocking, outrageous, and exceeded all reasonable bounds of decency.

93. That, as a result of the above, the Plaintiff was caused to suffer severe emotional distress.

94. That the Defendants Cardi B and Offset, their servants, agents, and employees, recklessly caused such distress to Plaintiff, and/or acted under circumstances known to Defendants, and each of them, which made it substantially certain that Plaintiff would suffer emotional distress, and/or acted recklessly and with utter disregard of the consequences.

95. That at all times herein mentioned, and at the above time and place, the conduct of the Defendants, and each of them, their servants, agents, and/or employees, was willful, wanton, malicious, offensive, and outrageous.

96. That, by reason of the foregoing, the malicious and reckless acts of the Defendants, and each of them, the Plaintiff has been rendered sick, sore, lame, and disabled; that he has suffered pain, mental anguish, anxiety and emotional distress, together with shock, fright, apprehension, embarrassment, humiliation, and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result and believes he will continue to suffer same in the future.

97. That by reason of the foregoing, Plaintiff has sustained general, special, and punitive damages, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR AN EIGHTH CAUSE OF ACTION
(Against Defendant QCM for Negligent Hiring and Supervision)

98. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

99. Defendant QCM was responsible for hiring the Unknown Assailants.

100. Defendant QCM acted with gross negligence in the hiring and retention of the Unknown Assailants.

101. Defendant QCM failed to exercise even slight care or slight diligence in the hiring and retention of the Unknown Assailants.

102. That the negligence, carelessness and recklessness of Defendant QCM consisted, among other things, in failing to exercise the care, caution, and prudence warranted and required in the circumstances; in failing to properly screen, hire, train, manage, supervise, retain, and control the Unknown Assailants; in failing to do an adequate background check which caused, created, and allowed a dangerous, unstable, dishonest, harmful and life threatening condition to Plaintiff; in failing to perform due diligence in properly checking the employment history, background, and credentials of potential employees before hiring; in failing to address and/or retrain, and/or train the Unknown Assailants in non-violent conflict resolution; in failing to recognize a propensity for violence; in failing to use their available resources in checking the background of the Unknown Assailants before permitting them to travel with Defendants Cardi B and Offset; in causing and allowing a dangerous, harmful and life threatening situation to exist; in failing to resolve their previous issues in time to prevent any harm that could be caused by their inaction; in failing to provide for the safety of Plaintiff; in generally screening, hiring, managing, supervising, training, disciplining, and retaining an employee with violent, vicious and dangerous propensities despite the knowledge that this would lead to violence and/or murder; and in failing to avoid this occurrence although there was an opportunity to do so.

103. That the aforementioned occurrence and the results thereof including the injuries sustained by the Plaintiff were caused wholly and solely by and due to the negligence, carelessness, and recklessness of Defendant QCM without any culpable conduct on the part of the Plaintiff contributing thereto.

104. That, by reason of the foregoing, and the carelessness, recklessness, and negligence of Defendant QCM, the Plaintiff has been rendered sick, sore, lame and disabled; that he has suffered pain, mental anguish, anxiety, and emotional distress, together with shock, fright, apprehension, embarrassment, humiliation, and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result, and believes he will continue to suffer same in the future.

105. That by reason of the foregoing, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

106. That the limitations on liability set forth in CPLR Section 1600, et seq. do not apply to the within action.

AS AND FOR A NINTH CAUSE OF ACTION
(Against QCM for Vicarious Liability)

107. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

108. At all times material, Defendant QCM employed the Unknown Assailants who, as members of Cardi B and Offset's protective teams, agents, and friends, were under their respective management company's direct supervision, employ, and control when they committed the acts upon Plaintiff described herein.

109. The Unknown Assailants were acting within the course and scope of their employment for Defendant QCM when they committed the acts upon Plaintiff described herein

110. Upon information and belief, the Unknown Assailants were directed by Defendant QCM to follow the direction of Cardi B and/or Offset.

111. That at all times herein mentioned, Defendant QCM is vicariously liable for the negligence, carelessness, and recklessness of its agents, servants and/or employees

112. That the aforementioned occurrence and the results thereof, including the injuries sustained by the Plaintiff, were caused wholly and solely by and due to the negligence, carelessness, and recklessness of Defendant QCM, without any culpable conduct on the part of the Plaintiff contributing thereto.

113. That by reason of the foregoing, and the carelessness, recklessness, and negligence of the Defendants, and each of them, the Plaintiff has been rendered sick, sore, lame, and disabled; that he has suffered pain, mental anguish, anxiety, and emotional distress, together with shock, fright, apprehension, embarrassment, humiliation, and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result and believes he will continue to suffer same in the future.

114. That by reason of the foregoing, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

115. That the limitations on liability set forth in CPLR Section 1600, et seq. do not apply to the within action.

AS AND FOR A TENTH CAUSE OF ACTION
(Against Defendant Mark Hotel for Negligence)

116. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

117. Defendant Mark Hotel was aware that there was a large gathering of individuals outside of the hotel on the early morning of May 8, 2018.

118. That at all times herein mentioned, the conduct of the Defendant Mark Hotel, its servants, agents, and/or employees, was negligent, careless, and reckless under the circumstances.

119. That the negligence, carelessness, and recklessness of Defendant Mark Hotel consisted, among other things, of the following: in the ownership of the Mark Hotel; in the operation of the Mark Hotel; in the management of the Mark Hotel; in the maintenance of the Mark Hotel; in the control of the Mark Hotel; in failing to take reasonable care to protect the patrons on the subject premises of the Mark Hotel; in failing to reasonably anticipate conduct which was likely to endanger the safety of patrons on the premises; in creating and maintaining a dangerous and unsafe condition; in failing to comprehend, apprehend, or anticipate a dangerous or unsafe condition; in creating and maintaining a public menace; in failing to keep the premises in a reasonably safe manner so as to avoid creating and maintaining the dangerous condition that caused the injuries to the Plaintiff as alleged; in failing to take care or precaution for the safety of Plaintiff, or other patrons upon the premises; in failing to provide adequate protection and security for those upon the premises; in failing to provide supervision to the Plaintiff and other patrons; in failing to take the necessary degree of precaution to protect patrons and others upon the premises from foreseeable harm, including a third party's foreseeable criminal conduct; in failing to

comprehend, apprehend and anticipate a dangerous environment; in failing to properly handle a hazardous and dangerous environment; in failing to keep the Mark Hotel in a reasonably safe manner as to avoid creating the hazardous and dangerous situation that caused Plaintiff's injuries as alleged herein; in failing to follow internal company policy, rules and/or guidelines which govern the safety of patrons within the Mark Hotel; in failing to have internal policies, rules and/or guidelines implemented that govern the safety of patrons within the Mark Hotel; in failing to follow external policies, rules and guidelines known in the industry for the safety of patrons within establishments; in permitting Unknown Assailants, Cardi B, and Offset to remain within the Mark Hotel and/or in front of the Mark Hotel despite their display of violent, alarming, and unreasonable behavior; in failing to take affirmative steps to intervene and/or prevent the vicious attack upon the Plaintiff; in failing to provide a safe environment for the Plaintiff and other patrons; in failing to properly train their employees on how to handle a known dangerous situation; in failing to provide adequate and reasonable security for the patrons and others upon the subject premises; in employing an incompetent staff; in inadequately training said staff; in failing to supervise its employees; in demonstrating a reckless disregard for the safety of the patrons and others upon said premises; and Defendants were otherwise reckless, careless and negligent in the ownership, operation, management, maintenance, and control of the Mark Hotel.

120. That at all times herein mentioned, Defendant Mark Hotel is vicariously liable for the negligence, carelessness, and recklessness of its agents, servants, and/or employees.

121. That the aforementioned occurrence and the results thereof, including the injuries sustained by the Plaintiff, were caused wholly and solely by and due to the negligence, carelessness, and recklessness of Defendant Mark Hotel, without any culpable conduct on the part of the Plaintiff contributing thereto.

122. That by reason of the foregoing, and the carelessness, recklessness, and negligence of the Defendants, and each of them, the Plaintiff has been rendered sick, sore, lame and disabled; that he has suffered pain, mental anguish, anxiety and emotional distress, together with shock, fright, apprehension, embarrassment, humiliation, and a loss of enjoyment of life and will experience same in the future; that he has been obliged to expend, and will expend in the future, sums of money for medical aid and attention; and that he has been unable to attend to his usual avocation and activities, has suffered a loss of other benefits as a result and believes he will continue to suffer same in the future.

123. That by reason of the foregoing, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

124. That the limitations on liability set forth in CPLR Section 1600, et seq. do not apply to the within action.

AS AND FOR A ELEVENTH CAUSE OF ACTION
(Against all Defendants for Punitive Damages)

125. Plaintiff repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein.

126. Because the Defendants' conduct was malicious and oppressive, the Plaintiff is entitled to be awarded punitive damages to punish the Defendants for their wrongful conduct.

127. That by reason of the foregoing, Plaintiff has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff respectfully requests judgment against the Defendants as

follows:

- i. An order awarding compensatory damages in an amount to be determined at trial;
- ii. An order awarding punitive damages in an amount to be determined at trial;
- iii. And an Order directing such other and further relief as the Court may deem just and proper.

Dated: New York, New York
May 14, 2018

Respectfully,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.



Daniel Szalkiewicz, Esq.
Cali P. Madia, Esq.
325 W. 38th Street, Suite 810
New York, NY 10018
Tel: (212) 706-1007
daniel@lawdss.com