

CIRCUIT COURT OF THE 9<sup>TH</sup> JUDICIAL CIRCUIT  
ORANGE COUNTY, FLORIDA

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ALBERT GRIMMIE, JR., AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
CHRISTINA VICTORIA GRIMMIE, ALBERT  
GRIMMIE, JR., TINA GRIMMIE and MARCUS  
GRIMMIE,

Plaintiffs,

Case No.:

-against-

**COMPLAINT**

**With Demand for Jury  
Trial**

AEG LIVE SE, THE ORLANDO PHILHARMONIC  
ORCHESTRA PLAZA FOUNDATION INC., and ABC  
CORPORATION, JOHN DOE and JANE DOE,  
corporations and individuals whose identities are not yet  
known,

Defendants.  
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Plaintiffs, Albert Grimmie as Personal Representative of The Estate of Christina Victoria Grimmie, Albert Grimmie, individually, Tina Grimmie and Marcus Grimmie, by and through their attorneys, Reitler Kailas & Rosenblatt LLC and Mandelbaum, Fitzimmons, Hewitt and Cain, for their Complaint against the defendants allege as follows:

**NATURE OF THE ACTION**

1. This wrongful death and negligent infliction of emotional distress action arises from the shooting and tragic death of Christina Grimmie, a rising young star in the music industry, who was gunned down at The Plaza Live Theater in Orlando, Florida (hereinafter, "The Plaza Live Theater") on June 10, 2016, following her concert performance.

2. As detailed below, the promoter of Christina's tour, the owners of the facility in which she performed and the outside security company hired to provide security for the concert at which Christina performed, failed to take adequate security measures to ensure the safety of the performers and the attendees at the concert venue.

3. By only doing superficial bag checks with no body pat downs or the use of metal detectors to safeguard against concertgoers bringing weapons into the theater, Christina's assailant was permitted to enter The Plaza Live Theater facility with two 9mm Glock handguns, two full magazines and a large hunting knife.

4. As Christina greeted fans and signed autographs following her performance, her fully armed assailant waited in line to see her, then shot Christina 3 times before being temporarily subdued by Christina's brother Marcus.

5. Following Marcus' attempt to take the assailant's firearm from him, the assailant broke free and took his own life.

6. Christina passed away later that night.

#### **PARTIES TO THE ACTION**

7. Pursuant to letters of administration issued by the Superior Court of California, County of Ventura on September 28, 2016, Albert Grimmie, Jr. was appointed as the Personal Representative of the Estate of Christina Victoria Grimmie.

8. Plaintiff Albert Grimmie, Jr., a citizen and resident of the State of California, is the father of Christina Grimmie.

9. Plaintiff Tina Grimmie, a citizen and resident of the State of California, is the mother of Christina Grimmie.

10. Plaintiff Marcus Grimmie, a citizen and resident of the State of California, is the brother of Christina Grimmie.

11. Upon information and belief, Defendant AEG Live SE ("AEG") is a Delaware corporation with its principal place of business in West Palm Beach, Florida.

12. Upon information and belief, Defendant the Orlando Philharmonic Orchestra Plaza Foundation Inc., is a Florida corporation with its principal place of business in Orlando,

Florida, and does business as “The Plaza LIVE Orlando” (hereinafter, the “Orlando Philharmonic Orchestra”).

13. Defendants ABC Corporation, John Doe and Jane Doe are corporations and individuals who provided security services at The Plaza Live Theater in Orlando, Florida on June 10, 2016, but whose identities have not yet been ascertained. As soon as Plaintiffs learn of the identity of these defendants they will seek to amend their complaint to name them.

### **JURISDICTION AND VENUE**

14. AEG regularly transacts business in the State of Florida and promoted the June 10, 2016 concert at issue in this proceeding.

15. Upon information and belief, the Orlando Philharmonic Orchestra regularly transacts business in the State of Florida and owns real property in Orlando.

16. Upon information and belief, ABC Corporation, John Doe and Jane Doe regularly transact business in the State of Florida, including the city of Orlando.

### **FACTUAL ALLEGATIONS**

#### **Christina Grimmie - The Rising Star**

17. Christina Grimmie (“Christina”) was born in Voorhees, New Jersey on March 12, 1994, to Albert and Tina Grimmie.

18. By age 6, Christina was singing and by age 10, she was dabbling in piano playing and writing lyrics for songs.

19. Christina grew up in Atco, New Jersey where she attended Bethel Baptist Elementary School and then moved to Marlton, New Jersey where she attended Cherokee High School.

20. Christina, her older brother Marcus, and their parents Albert and Tina had a very close knit family relationship.

21. At age 15, in 2009, Christina began posting videos of her performances on YouTube; she had developed into a talented singer and performer.

22. Mandy Teefey, the mother of the established musical performer Selena Gomez, recognized Christina's talent when she viewed covers that Christina had posted on YouTube of Celine Dion's "My Heart Will Go On," Hannah Montana's "Don't Wanna Be Torn," Miley Cyrus' "Party in the U.S.A.," and Nelly's "Just A Dream" that Christina performed with Sam Tsui.

23. Based upon the significant popularity and following that had been generated by Christina's performances on YouTube by mid-2010, Brian Teefey, Mandy Teefey's husband, signed Christina to a personal management agreement dated as of June 1, 2010.

24. In October 2010, Christina performed in the UNICEF charity concert in Hollywood, California.

25. Christina's first professional tour took place in 2011.

26. In June of 2011, Christina released her first EP entitled "Find Me" which contained eight songs.

27. In July through November 2011, Christina went on the "We Own The Night" tour and opened for Selena Gomez performing in amphitheaters and arenas in the United States and Canada.

28. Christina performed on the Ellen DeGeneres show which aired on October 10, 2011.

29. In late 2011, Christina went on to perform at the 39<sup>th</sup> American Music Awards and appeared as a musical guest performing her hit song "Advice" on the Disney Channel's "So Random!"

30. In January 2012, Christina moved to Los Angeles, California with her mother Tina.

31. After signing with the Creative Artists Agency, Christina starred in a Disney.com web show called "Power Up: With Christina Grimmie" which ran from March 29 to June 5, 2012.

32. In September 2012, Marcus moved to Los Angeles.

33. In April 2013, Albert retired from his job in New Jersey and moved to join his family in Los Angeles.

34. As Christina's career moved forward, she provided financial support to her parents.

35. In August of 2013, Christina released her first full length album of 11 songs, entitled "With Love."

36. Christina accompanied and opened for Selena Gomez's North American leg of her "Stars Dance Tour" in 2013.

37. In late 2013, Christina was approached by "The Voice," an NBC singing competition, and successfully auditioned for the sixth season of the show which aired from February through May of 2014.

38. Christina was coached and mentored by Adam Levine on The Voice and ultimately came in third place.

39. Through her appearances on The Voice and the popularity of Christina's YouTube videos, Christina's fame and public appeal continued to grow.

40. Christina's achievements in the music industry were a shared family event, bringing joy and togetherness to Albert, Tina, Marcus and Christina.

41. Later in 2014, Christina went on The Voice tour with prior contestants on the show.

42. Christina recorded and performed on a single released by Island Records in July 2014 entitled "Must Be Love."

43. In January 2015, Christina toured and co-headlined with the "Before You Exit" band in Europe. Her brother Marcus was her road/co-tour manager.

44. During 2015, Christina performed shows, did various personal appearances including performances in the Philippines and Singapore, appeared in a commercial, was a fashion consultant for Kohl's on The Voice and continued to write and record songs.

45. In April/May 2015, Christina was a contestant in the iHeart Radio/Macy's Rising Star Contest, won the contest, and opened the 2015 iHeart Radio Music Festival in Las Vegas, Nevada in September 2015.

46. In August 2015, Christina filmed and had a lead role in a motion picture titled "Matchbreaker," which premiered in Hollywood on October 4, 2016.

47. In February 2016, Christina released her second EP titled "Side A" and went on tour with Rachel Platten.

48. In May 2016, Christina went on a United States based tour with "Before You Exit," the band she had performed with in early 2015 (hereinafter the "Spring/Summer 2016 Tour").

49. As of the beginning of the Spring/Summer 2016 Tour, Christina had reached a number of significant milestones:

- Christina had over 3.5 million subscribers to her YouTube Channel "ZeldaXLove64".
- There had been over 400,000,000 views of videos posted of Christina performing on her YouTube channel.

- Performances of Christina from The Voice singing “Wrecking Ball” and in a duet with Kurt Schneider singing “Just A Dream” were viewed hundreds of millions of times on both her and others’ YouTube channels.
- Christina had over 900,000 followers on Twitter and 500,000 follows on Instagram.
- The Voice (NBC) had expressed interest in having Christina back as a fashion consultant for another season of The Voice.
- Christina had written or co-written almost forty new compositions to be performed by her or others.

The Spring/Summer 2016 Tour

50. Defendant AEG Live was the promoter for the Spring/Summer 2016 Tour.

51. Upon information and belief, AEG Live, as the promoter of the Spring/Summer 2016 Tour, had the right and ability to determine, or to partake in the determination of, the security measures that would be undertaken at the venues where the tour performances occurred, including the selection of security companies.

52. Upon information and belief, AEG Live entered into a tour promotion agreement with performers on the Spring/Summer 2016 Tour in which AEG Live specifically undertook to be responsible for the security of the tour’s performers during the tour.

53. Upon information and belief, AEG Live approved Christina to be one of the performers on the Spring/Summer 2016 Tour and paid her for performances on the tour.

54. As a paid performer engaged by AEG Live to perform on the Spring/Summer 2016 Tour, Christina had a reasonable basis to believe that AEG Live would undertake to be responsible for her security at the venues where she performed.

55. The Spring/Summer 2016 Tour started in Philadelphia on May 29, 2016.

56. The ninth date of the tour was June 10, 2016 at The Plaza Live Theater which is located at 415 N. Bumby Avenue in Orlando, Florida.

57. Upon information and belief, The Plaza Live Theater had a seating capacity of 937 persons and a standing capacity of 1355 persons for live musical events.

58. Upon information and belief, the Orlando Philharmonic Orchestra owns and controls, or has the right to control, the events that take place at The Plaza Live Theater including the security measures that are undertaken at such events.

59. Upon information and belief, the Orlando Philharmonic Orchestra engages outside companies or individuals to render security services for events that take place at The Plaza Live Theater.

60. Upon information and belief, for certain live performances held at The Plaza Live Theater over the years, the Orlando Philharmonic Orchestra or its designated security service provider has used stationary metal detectors, metal detector wands or body pat downs to ensure the safety of concertgoers and that no attendee at a Plaza Live Theater event carries a weapon into the venue.

61. Upon information and belief, more than 40% of the households in Florida contain at least one firearm.

62. Upon information and belief, the Orlando Philharmonic Orchestra could have reasonably anticipated that attendees at events held at The Plaza Live Theater might bring weapons with them to such events if adequate security measures were not put into place to prevent the same.

63. Upon information and belief, the Plaza Live Theater offers the sale of alcoholic beverages to attendees at its concert events.

64. Upon information and belief, in a cost cutting measure on June 1, 2016, only 9 days before the shooting, the Orlando Philharmonic Orchestra fired The Plaza Live Theater's general manager, who had been employed there for 6 years.



65. Upon information and belief, on June 10, 2016, the new general manager of The Plaza Live Theater, Jim Heffelfinger, had only worked at the theater for 7-10 days.

66. On June 10, 2016, the band "Before You Exit" and Christina each performed at The Plaza Live Theater.

67. There was unarmed security tending to the event.

68. Security personnel conducted bag checks at the entrance to the theater.

69. Upon information and belief, one of the primary purposes for the bag checks was to ensure that no attendees at the concert would bring a weapon into the theater.

70. The security personnel stationed at the entrance of The Plaza Live Theater did not use stationary metal detectors, metal detector wands or body pat downs to ensure that attendees at the scheduled concert did not have firearms or other weapons upon entering the theater.

71. Upon information and belief, Kevin Loibl ("Loibl") entered The Plaza Live Theater through the front entrance, carrying two 9mm Glock handguns, two full magazines and a large hunting knife prior to Christina's performance on June 10, 2016.

72. After Christina's performance, the star conducted a "meet and greet" with fans at the back of the theater.

73. Marcus, who was serving as Christina's road manager, was near Christina as she met fans and signed autographs.

74. Loibl waited on line to meet Christina and when he got to the front of the line he shot Christina three times.

75. Marcus grabbed Loibl, grappled with him until he fell to the ground, and Loibl broke free.

76. Loibl then took his own life.

77. Christina passed away later in the evening on June 10, 2016 at the Orlando Regional Medical Center. She was 22 years old.

**First Claim By the Estate of Christina Grimmie Against All Defendants Under Florida's Wrongful Death Act**

78. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 77 hereof as if fully set forth herein at length.

79. AEG Live, as the promoter of the Spring/Summer 2016 Tour, owed a duty to Christina to use reasonable care to protect her at concert venues she performed at during the tour.

80. AEG live, as the promoter of the Spring/Summer 2016 Tour, owed a duty to attendees at The Plaza Live Theater to use reasonable care to protect them at all times.

81. The Orlando Philharmonic Orchestra, as the owner of The Plaza Live Theater, owed a duty to performers, including Christina, and attendees at The Plaza Live Theater to use reasonable care to protect such performers and attendees from harm.

82. The Orlando Philharmonic Orchestra assumed a duty to protect performers and attendees at the June 10<sup>th</sup> concert at The Plaza Live Theater when its employees or agents performed bag checks of individuals entering The Plaza Live Theater on June 10, 2016.

83. ABC Corporation, John Doe and Jane Doe as the security provider(s) at The Plaza Live Theater on June 10, 2016, owed a duty to use reasonable care to protect the performers, including Christina, and attendees at the concert from harm.

84. The death of Christina was caused by the negligent and culpable conduct of the defendants who failed to provide adequate security measures to protect Christina at The Plaza Live Theater on June 10, 2016.

85. The Estate is entitled to recover from defendants the future support and services Christina would have provided to Albert, Tina and Marcus from the date of her death to her anticipated life expectancy.

86. The Estate is entitled to Christina's projected income after taxes had she lived her normal life expectancy.

87. The Estate has been damaged by defendants' actions in an amount to be determined at trial.

88. The Estate is entitled to recover any and all medical and funeral expenses paid.

**Second Claim By Albert and Tina Grimmie for Mental Pain and Suffering**

89. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 88 hereof as if fully set forth herein at length.

90. By reason of the negligent and culpable conduct of the defendants, Christina's parents, Albert Grimmie and Tina Grimmie, are entitled to recover damages for their mental pain and suffering resulting from Christina's untimely death.

91. Albert Grimmie and Tina Grimmie have been damaged by defendants' actions or inactions in an amount to be determined at trial.

**Third Claim By Marcus Grimmie for Negligent Infliction of Emotional Distress**

92. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 91 hereof as if fully set forth herein at length.

93. Marcus suffered a quadriceps tear on his left leg and body bruises when he attempted to wrestle a gun away from Christina's assailant on June 10, 2016, and was tossed to the ground.

94. Witnessing Christina's shooting and death, followed by his attempt to disarm and tackle Christina's assailant, have had a traumatic impact upon Marcus' life causing him significant and permanent emotional distress.

95. By reason of the negligent and culpable conduct of the defendants, Marcus is entitled to recover his emotional distress, mental pain and suffering.

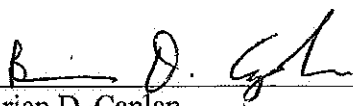
96. Marcus Grimmie has been damaged by defendants' actions or inactions in an amount to be determined at trial.

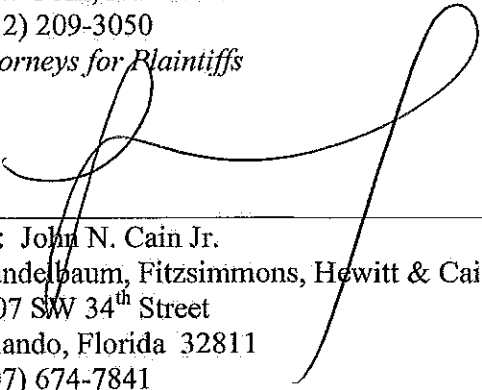
**Demand for Jury Trial**

Plaintiffs hereby Demand a Trial by Jury with respect to all issues so triable.

**WHEREFORE**, Plaintiffs demand judgment against the defendants jointly and severally on each of the three claims set forth above for sums to be determined at a trial of this action together with interest and attorneys' fees as the court deems just and appropriate.

Dated: New York, New York  
December 20, 2016

  
\_\_\_\_\_  
By: Brian D. Caplan  
REITLER KAILAS & ROSENBLATT LLC  
885 Third Avenue, 20th Floor  
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\_\_\_\_\_  
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*Attorneys for Plaintiffs*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>MARGARET B. SHARP, Esq. (SBN168517)</b> Law Office of Margaret B. Sharp 2999 Overland Ave., Suite 207A Los Angeles, CA 90064		TELEPHONE AND FAX NOS.: 310-841-0357 310-841-0424	FOR COURT USE ONLY  <b>VENTURA SUPERIOR COURT</b>  <b>FILED</b>  SEP 28 2016  MICHAEL D. PLANET Executive Officer and Clerk  BY: <u>Kim Goodman</u> Deputy <b>Kim Goodman</b>
ATTORNEY FOR (Name): <b>ALBERT R. GRIMMIE, JR.</b> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b> STREET ADDRESS: <b>4353 E. VINEYARD AVE.</b> MAILING ADDRESS: <b>same</b> CITY AND ZIP CODE: <b>OXNARD, CA 93036</b> BRANCH NAME:		CASE NUMBER: <b>56-2016-00483933-PR-LA-OXN</b>	
ESTATE OF (Name): <b>CHRISTINA VICTORIA GRIMMIE</b>  DECEDENT		LETTERS <input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED <input checked="" type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> SPECIAL ADMINISTRATION	

- LETTERS**
- The last will of the decedent named above having been proved, the court appoints (name):
    - executor.
    - administrator with will annexed.
  - The court appoints (name): **ALBERT R. GRIMMIE, JR.**
    - administrator of the decedent's estate.
    - special administrator of decedent's estate
      - with the special powers specified in the Order for Probate.
      - with the powers of a general administrator.
      - letters will expire on (date):
  - The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  with full authority  with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
  - The personal representative is not authorized to take possession of money or any other property without a specific court order.

- AFFIRMATION**
- PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
  - INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
  - INSTITUTIONAL FIDUCIARY (name):  
  
I solemnly affirm that the Institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer. (Name and title).
4. Executed on (date): **September 28, 2016**  
 at (place): **Thousand Oaks**, California.
- Albert R. Grimmie, Jr.  
 (SIGNATURE)

**CERTIFICATION**

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: **SEP 28 2016**

Clerk, by **MICHAEL D. PLANET**

Kim Goodman  
 (DEPUTY)  
**Kim Goodman**

(SEAL)

Date: **SEP 28 2016**

Clerk, by **MICHAEL D. PLANET**

Kim Goodman  
 (DEPUTY)  
**Kim Goodman**