

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

JASON LECKRONE,

Plaintiffs,

v.

JOSHUA HOMME, TMZ Productions, Inc.,
TMZ.com, EHM Productions, Inc.,
Warner Bros. Entertainment Inc., RICHARD and
JANE MANOOGIAN FOUNDATION, and
MUSEUM OF CONTEMPORARY ART,

Defendants.

Case No. 17- -NI
Hon.

17-004573-NI
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CATHY M. GARRETT

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COMPLAINT & DEMAND FOR JURY TRIAL

There is no other pending civil action arising out
of the transaction or occurrence alleged in this Complaint

/s/ Gregory W. Wix
GREGORY W. WIX (P65424)

NOW COMES the Plaintiffs, by and through their attorney, and for his Complaint
and Demand for Jury Trial against the above named Defendant, states as follows:

1. Plaintiff JASON LECKRONE is an individual who was in the City of
Warren, County of Macomb, State of Michigan at the time of the incident.

2. Defendant JOSHUA HOMME (hereinafter "HOMME") is a resident of Palm
Desert, California, but he was working and present in the County of Wayne, State of

Michigan at the time of the incident. Jurisdiction of Defendant HOMME is proper under Michigan law including, but not limited to MCL 600.705.

3. Defendant EHM PRODUCTIONS, INC. is a California corporation with its principal place of business in Los Angeles County, California and does business as TMZ and operates TMZ.com, which is a website. Jurisdiction of Defendant EHM PRODUCTIONS, INC. is proper under Michigan law including, but not limited to MCL 600.705.

4. Defendant TMZ PRODUCTIONS INC. is a California corporation with its principal place of business in Los Angeles County, California. Jurisdiction of Defendant TMZ PRODUCTIONS INC. is proper under Michigan law including, but not limited to MCL 600.705.

5. Defendants EHM Productions, Inc., TMZ.com and TMZ Productions, Inc. all do business nationally, including the City of Detroit, State of Michigan.

6. Defendant Warner Bros. Entertainment Inc. is a Delaware corporation with its principal place of business in Burbank, California and that it conducts business in the City of Los Angeles, State of California.

7. Defendants RICHARD and JANE MANOOGIAN FOUNDATION, and MUSEUM OF CONTEMPORARY ART are both duly organized non-profit corporations organized un the laws of Michigan, and conduct business in Detroit, Michigan, including ownership and/or management of the premises located at 4454 Woodward Ave., Detroit MI., 48201.

8. The amount in controversy exceeds the amount of \$25,000.00, exclusive of costs, interest, and attorney fees.

9. On a Thursday April 7, 2016, Iggy Pop was performing at the Fox Theater along with Defendant HOMME.

10. After the concert, some of the performers, including Defendant HOMME, attended an after party at the Museum of Contemporary Art.

11. Plaintiff is a school teacher and as a hobby collects autographs from celebrities.

12. On this date, Plaintiff went to the Museum of Contemporary Art in hopes of obtaining Iggy Pops autograph. However, when Iggy Pop arrived security held the crowd back at the corner and Plaintiff was unable to obtain the autograph of Iggy Pop.

13. A short time later Defendant HOMME arrived and confronted autograph seekers and said something to effect of -- I am not signing autographs for you blood sucking ebayers, I am tired of you making money off me but I will take photos with you.

14. Plaintiff pointed out that Defendant HOMME benefitted from these types of people who attended the concert.

15. Defendant HOMME began taking photos with people while swearing at Plaintiff between photos.

16. When Defendant HOMME finished the last photo, he approached Plaintiff was right in his face screaming profanities. Security personnel did nothing to protect Plaintiff, but they were now aware that Plaintiff was being targeted by Defendant HOMME.

17. Defendant HOMME finally stopped his verbal assault on Plaintiff and went into the after party. However, approximately 5 to 10 minutes later Defendant walked

past security and went back outside and confronted Plaintiff again and threatened him he was so mad at Plaintiff that he wanted to punch him in the face.

18. Plaintiff was in fear and apprehension at this point.

19. Defendant HOMME continued the second verbal assault rant again screaming at Plaintiff and pointing his finger inches from Plaintiff's face.

20. Defendant HOMME then intentionally and physically grabbed Plaintiff around the shoulder area.

21. Security witnessed this entire incident and took no action.

22. The incident was videotaped by another person in the crowd and the video was then posted on TMZ.com, with an accompanying article that indicated that Plaintiff was involved in a "nasty name-calling exchange" with Defendant HOMME. Those statements were untrue and cast Plaintiff in a false light. Plaintiff's likeness was appropriated for the commercial use and exploitation with zero redeemable benefit.

COUNT I
ASSAULT AND BATTERY – HOMME

23. Plaintiff incorporates the above paragraphs as if stated in full herein.

24. Defendant HOMME communicated intentional and unlawful threats of imminent bodily harm to plaintiff, placing Plaintiff in well-founded fears of imminent peril.

25. Defendant HOMME acted upon his threats by grabbing Plaintiff around the shoulders and neck area.

26. Plaintiff did not consent to these acts.

27. As a direct and proximate result of this assault and battery, Plaintiff suffered the emotional distress, embarrassment, humiliation, and psychological injuries.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest and attorney fees.

COUNT II – DEFAMATION
TMZ Productions, Inc., TMZ.com, EHM Productions, Inc., Warner Bros.
Entertainment Inc

28. Plaintiff incorporates the above paragraphs as if stated in full herein.
29. The accusations that Plaintiff was engaged in “name-calling” are false.
30. Defendant published the remarks to third parties with knowledge of the falsity of the statements or in reckless disregard of their truth or falsity.
31. The publication was not privileged.
32. The publication of these remarks has resulted in damage to Plaintiff’s reputation in the community and economic loss, including, but not limited to, the following:
 - a. emotional distress
 - b. humiliation, mortification, and embarrassment
 - c. sleeplessness and anxiety
 - d. other damages that may arise during the course of discovery and the course of this trial

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest and attorney fees.

COUNT III – FALSE LIGHT
TMZ Productions, Inc., TMZ.com, EHM Productions, Inc., Warner Bros.
Entertainment Inc

33. Plaintiff incorporates the above paragraphs as if stated in full herein.

34. The accusations that Plaintiff was engaged in “name-calling” are false and placed Plaintiff in a false light.

35. Defendant published the remarks to third parties with knowledge of the falsity of the statements or in reckless disregard of their truth or falsity.

36. The publication was not privileged.

37. The publication of these remarks has resulted in damage to Plaintiff’s reputation in the community and economic loss, including, but not limited to, the following:

- a. emotional distress
- b. humiliation, mortification, and embarrassment
- c. sleeplessness and anxiety
- d. other damages that may arise during the course of discovery and the course of this trial

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest and attorney fees.

COUNT IV – APPROPRIATION
TMZ Productions, Inc., TMZ.com, EHM Productions, Inc., Warner Bros.
Entertainment Inc

38. Plaintiff incorporates the above paragraphs as if stated in full herein.

39. Defendants engaged in false and unauthorized use of a plaintiff's likeness for commercial benefit.

40. Defendant published Plaintiff's likeness to third parties with knowledge and for commercial benefit.

41. The publication was not privileged and was without any redeeming public interest or historical value.

42. The appropriation of Plaintiff's likeness has resulted in damage to Plaintiff's reputation in the community and economic loss, including, but not limited to, the following:

- a. emotional distress
- b. humiliation, mortification, and embarrassment
- c. sleeplessness and anxiety
- d. other damages that may arise during the course of discovery and the course of this trial

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest and attorney fees.

**COUNT V – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS –
JOSHUA HOMME, TMZ Productions, Inc., TMZ.com, EHM Productions, Inc. and
Warner Bros. Entertainment Inc.,**

43. Plaintiff incorporates the above paragraphs as if stated in full herein.

44. Defendants JOSHUA HOMME, TMZ Productions, Inc., TMZ.com, EHM Productions, Inc. and Warner Bros. Entertainment Inc., conduct above was intentional, extreme, outrageous and of such character as to not be tolerated by a civilized society.

45. As a direct and proximate result of Defendants' acts and omissions, Plaintiff suffered severe emotional distress.

WHEREFORE, plaintiffs demand judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest, exemplary damages and attorney fees.

COUNT VI
NEGLIGENCE AGAINST RICHARD and JANE MANOOGIAN FOUNDATION, and
MUSEUM OF CONTEMPORARY ART

46. Plaintiff reasserts and re-alleges the allegations contained in paragraphs above as if fully stated herein.

47. Defendants RICHARD and JANE MANOOGIAN FOUNDATION, and MUSEUM OF CONTEMPORARY ART were also responsible for the premises where the incident took place and provided security.

48. Defendants RICHARD and JANE MANOOGIAN FOUNDATION, and MUSEUM OF CONTEMPORARY ART allowed Defendant HOMME to engage Plaintiff in a hostile and threatening manner multiple times resulting in the an assault and battery.

49. Defendants RICHARD and JANE MANOOGIAN FOUNDATION, and MUSEUM OF CONTEMPORARY ART knew or should have known of the dangerous and tortious incident that developed in time to prevent the assault and battery on Plaintiff and/or to call law enforcement to prevent same.

50. As a direct and proximate result of FIM's negligence, gross negligence and/or willful and wanton misconduct, Plaintiff has suffered serious and permanent

impairments of vital bodily functions, physical and emotional injuries including but not limited to:

- a. emotional distress
- b. humiliation, mortification, and embarrassment
- c. sleeplessness and anxiety
- d. other damages that may arise during the course of discovery and the course of this trial

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS together with costs, interest and attorney fees.

Respectfully submitted,

/s/ Gregory W. Wix
Gregory W. Wix (P65424)
Attorneys for Plaintiffs
49100 Van Dyke Avenue
Shelby Township, Michigan 48317

March 20, 2017

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JURY DEMAND

Plaintiff, by and through his attorneys, hereby demands a trial by jury.

Respectfully submitted,

/s/ Gregory W. Wix
Gregory W. Wix (P65424)
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Shelby Township, Michigan 48317

March 20, 2017