

IN THE CIRCUIT COURT OF COOK COUNTY
 COUNTY DEPARTMENT- LAW DIVISION

MARIA CARBALLO,)	
)	Case No:
Plaintiff,)	
)	Amount:
v.)	
)	Return Date:
STANLEY "STAN LEE")	
MARTIN LIEBER,)	
)	
and)	
)	
MAC "MAX" ANDERSON,)	
)	
Defendants.)	

VERIFIED COMPLAINT

Plaintiff, MARIA CARBALLO, by and through her attorneys, Cunningham Lopez LLP and The Cochran Firm, and in support of her claims against the Defendants, STANLEY "STAN LEE" MARTIN LIEBER (hereinafter, "Lee") and MAC "MAX" ANDERSON ("hereinafter, "Anderson"), alleges as follows:

JURISDICTION AND VENUE

1. At all times relevant, Plaintiff is and was a resident of Illinois, County of Cook.
2. Upon information and belief, Defendants are residents of California, County of Los Angeles.
3. This court has jurisdiction over Defendants pursuant to 735 ILCS 5/2-209(a)(2), because Defendants committed the tortious acts within the borders of Cook County.
4. This court has subject matter jurisdiction, because this matter is regarding torts committed by Defendants while in Illinois against a Cook County Plaintiff.

FACTS COMMON TO ALL COUNTS

5. Plaintiff is and was an adult female who works as a trained massage therapist.
6. Stan Lee is known by the public for his role as the author of comic books, cartoons, and movies.
7. At all relevant times, Anderson was Lee's assistant.
8. At all relevant times, Plaintiff worked as an independent contractor for Therapy Professionals, an Illinois company that provides massage therapy.
9. On or around the morning of April 21, 2017, Plaintiff was contacted by Therapy Professionals to perform massage therapy on a client for two hours at the Hyatt Regency, McCormick Place Hotel ("the Hyatt"), in Chicago, Illinois.
10. Anderson arranged the massage therapy sessions for Lee.
11. That evening, Plaintiff went to the Hyatt to perform services.
12. Upon her arrival, Plaintiff was sent to Lee's hotel suite.
13. When the Plaintiff reached the suite she was greeted by Anderson, who escorted her into Lee's bedroom and gave her instructions for the massage.
14. Plaintiff then instructed Lee to change for the massage while Plaintiff waited in another room.
15. Plaintiff did not leave the other room until Lee notified her that he was appropriately dressed.
16. The massage began with Lee lying on his stomach.
17. After approximately 30 minutes, Plaintiff noticed that Lee began to fondle himself as she performed the massage.
18. In an attempt to diffuse the situation, Plaintiff instructed Lee to roll onto his back.

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19. When Lee turned over, Plaintiff noticed that the sheets on which the Defendant had been lying were wet but, disregarded her observation giving the Defendant the benefit of the doubt.
20. The massage continued briefly without any issues until Plaintiff began to massage Lee's quadriceps.
21. Lee began to moan and groan, at which point Plaintiff decided to end the massage and went to the bathroom to wash her hands.
22. When Plaintiff returned, Lee remained on the massage table, complaining that the massage was supposed to last two hours.
23. Plaintiff left the room and spoke with Anderson, whereupon she agreed to only charge for a one-hour session, without any further therapy.
24. Anderson paid Plaintiff for one hour of service and Plaintiff left the hotel.
25. The following day, April 22, 2017, Plaintiff's employer and owner of Therapy Professionals called Plaintiff requesting that she return to give Lee another massage.
26. Plaintiff refused.
27. Plaintiff told her employer that Lee made her feel uncomfortable and hung up the telephone.
28. A short while after hanging up, Plaintiff received a second call from her employer insisting that she return to Lee's hotel room to give him another massage.
29. Plaintiff's employer said that Lee had personally requested Plaintiff.
30. Plaintiff refused yet again and asked her employer to find another therapist.
31. Not long thereafter, Plaintiff received a *third* call from her employer relaying an apology from Lee and ensuring Plaintiff that there would be no further incidents.

32. Plaintiff's employer also stressed the importance of appeasing "VIP" clients.
33. Plaintiff, fearing that her continued refusal would cause her to lose her job, reluctantly agreed to return.
34. When Plaintiff returned to the Hyatt, four security guards, the Hyatt concierge, and another member of Lee's team greeted her in the lobby and escorted her to Lee's suite.
35. The individuals thanked the Plaintiff for returning and issued apologies on Lee's behalf regarding his prior behavior.
36. Lee arrived around 10 p.m. for his massage.
37. An hour into the session, while Plaintiff massaged Lee's quadriceps, Plaintiff observed that Lee was once again moaning.
38. Plaintiff *immediately* stopped the massage and asked Lee to put his clothes on so that she could get her belongings and go home.
39. Instead of getting dressed, Lee stood up from the massage table, completely naked, and became angry with Plaintiff.
40. Plaintiff begged Lee to put on his clothes on and to let her leave, but he became angrier and demanded that she continue the massage.
41. In an effort to appease Lee and in fear of retribution from her employer, Plaintiff agreed to continue the massage for another ten minutes.
42. Plaintiff resumed the session by performing a Shiatsu massage, which can be performed by the therapist's feet instead of hands.
43. The Shiatsu massage created more distance between Plaintiff and Lee, giving Plaintiff more protection in case Lee acted inappropriately again.

44. After a few minutes, Lee grabbed Plaintiff's foot and moved it against his penis and scrotum.
45. When Plaintiff freed herself from his grip, she promptly gathered her belongings.
46. Before she went home, Plaintiff asked to be paid.
47. Lee paid Plaintiff \$240 cash for the massage.
48. As Plaintiff waited by elevator to go down to the lobby, Anderson emerged and thanked Plaintiff for returning to the Hyatt.
49. Anderson then handed Plaintiff a wad of money as a tip.
50. Plaintiff took the money and went home.
51. Upon information and belief, Anderson knew of Lee's inappropriate behavior with Plaintiff.
52. Not long thereafter, Plaintiff told her daughter and best friend about what happened, but was fearful that, in light of the Lee's wealth and status, reporting the incident to the police would hurt her job.
53. After seeing other women protest in connection with the Me Too movement, Plaintiff decided to fight for her dignity by standing up for herself.¹

COUNT I: ASSUALT

(AGAINST LEE)

54. The Plaintiff restates and incorporates by reference paragraphs 1-53 as if they were fully rewritten herein.

¹ Upon information and belief, other women have made similar complaints against Lee. See <https://www.independent.co.uk/arts-entertainment/art/news/stan-lee-sexual-harassment-claims-allegations-marvel-latest-a8150571.html>

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- 55. On April 21, 2017, Plaintiff arrived at Lee's hotel room to provide massage therapy services.
- 56. Lee knew why Plaintiff arrived at his hotel room.
- 57. Lee placed Plaintiff in reasonable apprehension of imminent unwanted sexual contact when he began to fondle himself in front of her.
- 58. As a proximate cause of the Lee's actions, Plaintiff has suffered damages in the form of severe emotional distress, loss of wages, and pain and suffering.

WHEREFORE Plaintiff, MARIA CARBALLO, respectfully requests that this Court enter a judgment against the Defendant, STANLEY MARTIN LIEBER, in excess of \$50,000.00 plus costs, and awarding any other relief this Court deems equitable and just.

COUNT II: BATTERY
(AGAINST LEE)

- 59. Plaintiff restates and incorporates by reference paragraphs 1-58 as if fully rewritten herein.
- 60. On April 22, 2017, Plaintiff visited Lee's hotel room to perform massage therapy after making it clear that she did not want to engage in sexual contact or behavior with Lee.
- 61. Lee grabbed the Plaintiff's foot and rubbed it on his penis and scrotum.
- 62. Lee also refused to put clothes on after his massage despite repeated requests from Plaintiff.
- 63. Plaintiff suffered severe emotional distress, embarrassment, pain and suffering, and loss of wages as a result of the Lee's actions.

WHEREFORE Plaintiff, MARIA CARBALLO, respectfully requests that this Court enter a judgment against the Defendant, STANLEY MARTIN LIEBER, in excess of \$50,000.00 plus costs, and awarding any other relief this Court deems equitable and just.

COUNT III: VIOLATIONS OF SECTION 5(1) AND 5(2) OF THE ILLINOIS GENDER VIOLENCE ACT

(AGAINST LEE)

64. Plaintiff restates and incorporates by reference paragraphs 1-63 as if fully rewritten.
65. Lee's actions of cornering Plaintiff while naked, grabbing Plaintiff's foot, and rubbing her foot against his penis and scrotum against her will were physical intrusions of a sexual nature on Plaintiff's person.

WHEREFORE Plaintiff, MARIA CARBALLO, respectfully requests that this Honorable Court enter a judgment against the Defendant, STANLEY MARTIN LIEBER, in excess of \$50,000.00, plus an award of punitive damages, and attorneys' fees and costs as permitted under the statute.

COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(AGAINST LEE)

66. Plaintiff restates and incorporates by reference paragraphs 1-65 as if fully rewritten.
67. Lee knew that his behavior on April 22, 2017 was unwanted, offensive, and extreme.
68. As a result of Lee's behavior, Plaintiff no longer works as a massage therapist with Therapy Professionals.
69. As a proximate result of the Lee's behavior on April 22, 2017, Plaintiff has suffered severe emotional distress.

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WHEREFORE, Plaintiff, MARIA CARBALLO, respectfully requests that this Honorable Court enter a judgment against the Defendant, STANLEY MARTIN LIEBER, in an amount this Court deems equitable and fair.

COUNT V: CIVIL CONSPIRACY

(AGAINST ANDERSON AND LEE)

70. Plaintiff restates and incorporates by reference paragraphs 1-69 as if fully rewritten.
71. At all times relevant, Anderson and Lee had an agreement whereby Anderson, as Lee's assistant, would procure massage therapy sessions for Lee for the purpose of committing assault, battery, intentional infliction of emotional distress, and violations of the Illinois Gender Violence Act against the Plaintiff.
72. On April 21, 2017 and April 22, 2017, Anderson facilitated the massage therapy sessions for Lee in furtherance of the above agreement.
73. As a proximate result of the behavior by both Defendants, Plaintiff has suffered injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, MARIA CARBALLO, respectfully requests that this Honorable Court enter a judgment against the Defendants, MAX ANDERSON and STANLEY MARTIN LIEBER, in excess of \$50,000.00, plus an award of punitive damages, and attorneys' fees and costs as permitted under the statute.

Respectfully submitted,
/s/Alexandra Reed-Lopez
ALEXANDRA REED-LOPEZ

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