

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

GIOVANNI ARNOLD,

Plaintiff,

-against-

QUALITY CONTROL MANAGEMENT, LLC, and
XYZ SECURITY

Defendant.

SUMMONS

Index No.

Venue is based on Plaintiff's
residence.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this Action and to serve a copy of your Answer on the plaintiff's attorneys within 20 days after service of the summons (or within 30 days after service is complete if the summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer this summons, judgment by default will be taken out against you for the relief demanded in the Complaint, together with the costs of this action.

Dated: New York, New York
December 19, 2021

Yours, etc.,



DANIEL S. SZALKIEWICZ, ESQ.
CALI P. MADIA, ESQ.
Daniel Szalkiewicz & Associates, PC.
Attorneys for Plaintiff
23 West 73rd Street, Suite 102
New York, New York 10023
Telephone: (212) 706-1007
Fax: (914) 500-2315

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

GIOVANNI ARNOLD,

Plaintiff,

-against-

QUALITY CONTROL MANAGEMENT, LLC. and
XYZ SECURITY

Defendant.

COMPLAINT

Index No.

Plaintiff GIOVANNI ARNOLD (“Plaintiff” or “Mr. Arnold”), by his attorney, DANIEL SZALKIEWICZ & ASSOCIATES, P.C. complaining of the defendants, QUALITY CONTROL MANAGEMENT, LLC. (“QCM”) and XYZ SECURITY (“XYZ” and jointly with QCM, “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 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.

7. 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.

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

9. 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.

History of Violent Confrontations

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

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

12. 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[.]”

13. 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.

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

15. 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. In video footage from the incident, a pregnant Cardi B can be seen pushing past her security to continue to berate the fan.

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

17. A few months after that, Cardi B found herself in hot water again when she ordered her entourage to assault two strip club bartenders. There, like here, her staff was all too happy to assist Cardi B with the takedown, attacking the two women with bottles, chairs, and a hookah. Cardi B was charged with assault and reckless endangerment.

18. Suffice it to say, there should have been additional security that night.

The Early Morning of May 8, 2018

19. 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.

20. After the conclusion of the Met Gala, Cardi B and Offset headed to the Mark Hotel for the Met Gala's only official afterparty.

21. At or about 2:15 a.m. on May 8, 2018, Cardi B, Offset, and members of their entourage exited the Versace event, encountering Plaintiff as they exited the hotel.

22. One of XYZ's security guards met Cardi B and Offset at the door of the event and remained with them during the walk over the sidewalk and into the street.

23. Plaintiff, who was not invited to the event, had been waiting within the area provided by Defendants for fans who wanted to meet and greet the famous invitees. Mr. Arnold and dozens of other autograph seekers had been outside for hours hoping to see and receive autographs from Cardi B, Offset, and other celebrities in attendance that night.

24. While being escorted to her car, Cardi B shouted at Plaintiff "Fuck outta here nigga, I will slap the shit outta you." Plaintiff verbally expressed his disappointment with being ignored and the group continued walking toward the vehicle.

25. While Cardi B was entering the car, Offset, trailing behind her said to Plaintiff “shut up, bro, before a nigga beat you out here.”

26. Upon information and belief, before entering the vehicle, Cardi B and/or Offset signaled to their entourage that they wanted Plaintiff to be physically attacked.

27. QCM and XYZ’s security guard remained between Cardi B/Offset and Plaintiff throughout the entirety of this verbal interaction.

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

29. Soon thereafter, a member of the entourage descended upon Plaintiff, who backed himself toward a barricade in place, ironically enough, to protect celebrities from fans. As the attacker grew closer to Plaintiff, another man exited the front passenger door of one of the black SUVs to join the confrontation.

30. Soon, the first man swung his fist at Plaintiff’s face, sending Plaintiff to the ground. Moments later, two other men were on top of Plaintiff striking him. In the brawl that ensued, Plaintiff was punched and kicked repeatedly.

31. Plaintiff, who never once physically lashed out at Defendants, laid on the ground protecting his face and body while Cardi B and Offset’s entourage piled on top of him and continuously hit him.

32. Eventually, the three men scurried away from Plaintiff until one man returned to inflict one last running jump kick on Plaintiff’s head before running back toward the SUVs.

33. Video recorded before, during, and even after the attack shows that the security personnel hired by QCM for the event stood by idly as the assault took place.

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

35. 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.

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

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

37. Defendant QCM was responsible for hiring XYZ.

38. Defendant QCM acted with gross negligence in the hiring and retention of XYZ.

39. Defendant QCM failed to exercise even slight care or slight diligence in the hiring and retention of XYZ.

40. That the negligence, carelessness and recklessness of Defendant QCM consisted, among other things, of failing to exercise the care, caution, and prudence warranted and required in the circumstances; of failing to properly screen, hire, train, manage, supervise, retain, and control XYZ; of failing to do an adequate background check which caused, created, and allowed a dangerous, unstable, dishonest, harmful and life threatening condition to Plaintiff; of failing to perform due diligence in properly checking the employment history, background, and credentials of potential employees before hiring; of failing to address and/or retrain, and/or train XYZ

employees in non-violent conflict resolution; of causing and allowing a dangerous, harmful and life threatening situation to exist; of failing to resolve previous issues in time to prevent any harm that could be caused by their inaction; of failing to provide for the safety of Plaintiff; of generally screening, hiring, managing, supervising, training, disciplining, and retaining an inadequately trained employee; and of failing to avoid this occurrence although there was an opportunity to do so.

41. 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.

42. 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.

43. 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.

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

AS AND FOR A SECOND CAUSE OF ACTION
(Against Defendant OCM for Negligent Hiring and Supervision)

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

46. Defendant XYZ was responsible for hiring the security guard.

47. Defendant XYZ acted with gross negligence in the hiring and retention of the security guard.

48. Defendant XYZ failed to exercise even slight care or slight diligence in the hiring and retention of the security guard.

49. That the negligence, carelessness and recklessness of Defendant XYZ consisted, among other things, of failing to exercise the care, caution, and prudence warranted and required in the circumstances; of failing to properly screen, hire, train, manage, supervise, retain, and control the security guard; of failing to do an adequate background check which caused, created, and allowed a dangerous, unstable, dishonest, harmful and life threatening condition to Plaintiff; of failing to perform due diligence in properly checking the employment history, background, and credentials of potential employees before hiring; of failing to address and/or retrain, and/or train the security guard in non-violent conflict resolution; of causing and allowing a dangerous, harmful and life threatening situation to exist; of failing to resolve previous issues in time to prevent any harm that could be caused by their inaction; of failing to provide for the safety of Plaintiff; of generally screening, hiring, managing, supervising, training, disciplining, and retaining an inadequately trained employee; and of failing to avoid this occurrence although there was an opportunity to do so.

50. 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 XYZ without any culpable conduct on the part of the Plaintiff contributing thereto.

51. That, by reason of the foregoing, and the carelessness, recklessness, and negligence of Defendant XYZ, 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.

52. 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.

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

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

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

55. At all times material, Defendant QCM employed XYZ to perform security on the night of the assault, making XYZ under QCM's direct supervision, employ, and control when the assault was committed upon Plaintiff as described herein.

56. XYZ's employee, the security guard, was acting within the course and scope of XYZ's employment for Defendant QCM when they failed to prevent or in any way intervene to stop or lessen the assault on Plaintiff.

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

58. 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.

59. That by reason of the foregoing, and the carelessness, recklessness, and negligence of 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.

60. 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.

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

AS AND FOR A FOURTH CAUSE OF ACTION
(Against XYZ for Vicarious Liability)

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. At all times material, Defendant XYZ employed the security guard to perform security on the night of the assault, placing the security guard under XYZ's direct supervision, employ, and control when the assault was committed upon Plaintiff as described herein.

64. XYZ's employee, the security guard, was acting within the course and scope of the security guard's employment for Defendant XYZ when they failed to prevent or in any way intervene to stop or lessen the assault on Plaintiff.

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

66. 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 XYZ, without any culpable conduct on the part of the Plaintiff contributing thereto.

67. That by reason of the foregoing, and the carelessness, recklessness, and negligence of 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.

68. 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.

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

AS AND FOR A FIFTH CAUSE OF ACTION
(Against QCM for Negligence)

70. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs set forth above with the same force and effect as if more fully set forth herein.

71. That at all times herein mentioned, the conduct of the defendants, and each of them, their servants, agents and/or employees, were negligent, careless and reckless under the circumstances.

72. That the negligence, carelessness and recklessness of Defendants consisted, among other things, of the following: in the operation of the party at the Mark Hotel; in the management of the party at the Mark Hotel; in the control of party at the Mark Hotel; in failing to take reasonable care to protect the patrons on the subject premises of Mark Hotel; in failing to reasonably anticipate conduct which was likely to endanger the safety of patrons on the premises; in failing to control a SECURITY GUARD whose behavior reasonably constituted a menace to other patrons; 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 hereinafter 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 and in front of the Mark Hotel; in failing to have internal policies, rules and/or guidelines implemented that govern the safety of patrons within and in front of the Mark; in failing to follow external policies, rules and guidelines known in the industry for the safety of patrons within establishments; 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 a party at the Mark Hotel.

73. That at all times herein mentioned, Defendants are vicariously liable for the negligence, carelessness and recklessness of its agents, servants and/or employees

74. 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 the defendants, and each of them, without any culpable conduct on the part of the Plaintiff contributing thereto.

75. 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.

76. 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.

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

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
December 19, 2021

Respectfully,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.



Daniel Szalkiewicz, Esq.
Cali P. Madia, Esq.
23 West 73th Street, Suite 102
New York, NY 10023
Tel: (212) 706-1007
daniel@lawdss.com