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6 Attorneys for Plaintiff,  
MELVIN GEORGE TOWNSEND

ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**04/19/2024**  
Clerk of the Court  
BY: JAMES FORONDA  
Deputy Clerk

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN FRANCISCO**

10 MELVIN GEORGE TOWNSEND, an  
11 individual,

12 Plaintiff,

13 vs.

14 MICHAEL GERARD TYSON, an  
individual; JETBLUE AIRWAYS  
15 CORPORATION; and DOES 1 through  
100, inclusive,

16 Defendants.

CASE NO.: **CGC-24-614095**

**COMPLAINT FOR DAMAGES:**

1. **NEGLIGENCE;**
2. **COMMON CARRIER LIABILITY;**
3. **NEGLIGENT HIRING, RETENTION,  
AND SUPERVISION;**
4. **PREMISES LIABILITY**
5. **ASSAULT;**
6. **BATTERY;**
7. **INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

**DEMAND FOR JURY TRIAL**

19  
20 Plaintiff MELVIN GEORGE TOWNSEND ("Plaintiff") hereby alleges the  
21 following:

22 **STATEMENT OF FACTS**

23 1. This matter stems from an April 20, 2022 assault and battery inflicted upon  
24 Plaintiff by former heavyweight boxing champion and current professional boxer,  
25 MICHAEL GERARD TYSON a/k/a MIKE TYSON ("Mr. Tyson"), while aboard an  
26 airplane owned and operated by Defendant JETBLUE AIRWAYS CORPORATION  
27 ("JetBlue"). Mr. Tyson is presently scheduled to engage in a boxing match against  
28 professional boxer Jake Paul, a man 30 years his junior, on July 20, 2024.

1           2.     On April 20, 2022, Plaintiff was a first-class passenger aboard a JetBlue  
2 airplane that was set to take flight from San Francisco International Airport and travel to  
3 Fort Myers, Florida. Mr. Tyson was also a first-class passenger aboard the same  
4 JetBlue airplane. Plaintiff's seat was located in the row immediately behind Mr. Tyson.

5           3.     As passengers boarded the plane, Plaintiff and his friend, Jake Evan ("Mr.  
6 Evan"), noticed Mr. Tyson seated in the row in front of them. Mr. Tyson was seated next  
7 to an associate to whom he referred as his manager. Plaintiff and Mr. Evan initiated a  
8 conversation with Mr. Tyson during which they expressed their admiration for Mr.  
9 Tyson's illustrious boxing career. Mr. Tyson was receptive to the compliments and  
10 engaged the two men in conversation. As the conversation continued, Plaintiff  
11 purchased alcoholic beverages from JetBlue employees for himself and Mr. Tyson,  
12 which Mr. Tyson readily accepted.

13           4.     The three men continued to engage in a friendly conversation until Mr.  
14 Tyson offered to give Plaintiff and Mr. Evan psilocybin mushrooms. Plaintiff politely  
15 declined the offer. Mr. Tyson turned to his companion and asked him to provide Mr.  
16 Tyson psilocybin mushrooms which the companion was holding for Mr. Tyson. Mr.  
17 Tyson's companion told Mr. Tyson that he would not provide him any psilocybin  
18 mushrooms at that time.

19           5.     Suddenly and without warning or provocation, Mr. Tyson stood from his  
20 seat, turned to Plaintiff, who was seated in the row behind Mr. Tyson, and began  
21 punching Plaintiff with both fists repeatedly while standing over him. Mr. Tyson punched  
22 Plaintiff numerous times in the head, face, and neck, tore the neck of Plaintiff's shirt,  
23 and caused Plaintiff to bleed from both sides of his head.

24           6.     During the beating, Mr. Tyson's companion stood from the chair in which  
25 he was seated – the seat next to Mr. Tyson in the row in front of Plaintiff – and ran to  
26 Plaintiff's defense. Mr. Tyson's companion attempted to place his body as a shield  
27 between Plaintiff and Mr. Tyson, absorbing numerous punches from Mr. Tyson himself.  
28 Mr. Tyson's companion placed his hands on Mr. Tyson's shoulders and upper arms and

1 resisted Mr. Tyson as Mr. Tyson continued to punch Plaintiff. Eventually, Mr. Tyson  
2 stopped punching Plaintiff.

3 7. Plaintiff estimates that Mr. Tyson punched him approximately 10 times in  
4 the head, face, and neck. Due to Mr. Tyson's extraordinary strength and decades of  
5 professional fighting training and skill, Plaintiff could not in any way protect himself or  
6 fight back against Mr. Tyson. Even when Mr. Tyson's companion began assisting  
7 Plaintiff, there was nothing Plaintiff could do to end the beating. Had Mr. Tyson's  
8 companion not helped Plaintiff, Plaintiff does not believe he would have survived the  
9 incident.

10 8. Mr. Tyson is considered to be one of the greatest heavyweight fighters of  
11 all time, defeating fighters such as Larry Holmes, Michael Spinks, Pinklon Thomas,  
12 Tony Tucker, Razor Ruddock, among countless others. With nicknames like "Iron Mike"  
13 and "The Baddest Man on the Planet," Mr. Tyson is still considered one of the greatest  
14 boxers of all time who continues to perform at high levels of professional boxing.

15 9. However, Mr. Tyson's propensity for physical violence, especially when  
16 intoxicated, has notoriously exceeded the realm of sport and entered the realm of  
17 criminal activity, including numerous arrests, convictions, and jail sentences. Mr.  
18 Tyson's criminal activity, inability to control his temper, and impulsive conduct are well  
19 documented in interviews and documentaries spanning multiple decades, and include  
20 a long history of assaulting people outside of the boxing ring. For example, in 1992, Mr.  
21 Tyson was convicted of rape and sentenced to six years in prison. As another example,  
22 in 1999, Mr. Tyson was ordered to serve a one-year in jail for assaulting motorists. As  
23 a further example, Mr. Tyson infamously battered a 73-year-old boxing promoter, Don  
24 King, in 2003 when Mr. Tyson was 37-years old. As another example, according to the  
25 book *Fire and Fear: The Inside Story of Mike Tyson*, Mr. Tyson admitted that he  
26 punched his ex-wife, Robin Givens and stated, "that was the best punch I've ever thrown  
27 in my entire life." Mr. Tyson's other legal infractions include, but are not limited to, a  
28 2006 arrest on suspicion of DUI and felony drug possession, a 2007 plea of guilty to

1 possession of cocaine and driving under the influence, a 2009 arrest for getting into an  
2 altercation with a photographer at Los Angeles International Airport, and a 2023 rape  
3 accusation stemming from an incident in the 1990s.

4 10. Mr. Tyson has been candid about his battle to gain control over his anger.  
5 He has publicly discussed seeing physicians who have advised him that he has fear  
6 issues due to trauma, which cause Mr. Tyson to have angry outbursts. Mr. Tyson has  
7 referred to his mind as a torture chamber: “my mind is a torture chamber. It is not my  
8 friend.” Mr. Tyson has reported that in 1998, he was evaluated at the Massachusetts  
9 General Hospital which advised Mr. Tyson that he suffered from depression, anger, low  
10 self-esteem, irritability, and lack of impulse control. “This is my biggest problem to date,  
11 staying in control,” said Mr. Tyson.

12 11. Mr. Tyson is not in retirement. Despite being 57-years-old, he continues  
13 to train as a professional boxer. On July 20, 2024, Mr. Tyson is set to engage in a boxing  
14 match with professional boxer Jake Paul, a man who is 30 years younger than Mr.  
15 Tyson.

16 12. At the time of the incident, Plaintiff was 36-years-old man who was 5’6”  
17 tall and weighed approximately 170 pounds. Plaintiff has never participated in combat  
18 sports. Plaintiff was a fan of Mr. Tyson who was happy to be speaking to one of his  
19 childhood heroes. Plaintiff at no point acted in a manner that warranted Mr. Tyson  
20 physically attacking him, let alone punching him repeatedly in the head, face, and neck.

21 13. Portions of the altercation have been recorded by various passengers on  
22 the airplane and uploaded to various internet platforms. None of the videos depict  
23 Plaintiff demonstrating aggression toward Mr. Tyson, or harassing, assaulting, or  
24 battering Mr. Tyson. Rather, they depict an unhinged Mr. Tyson ruthlessly attacking  
25 Plaintiff as Mr. Tyson’s companion attempted to help stop the beating and at least one  
26 other passenger pleaded with Mr. Tyson to stop.

27 14. Following the battery, Mr. Tyson and Plaintiff both exited the airplane  
28 separately. Other passengers on the airplane were shocked by what had just occurred

1 and expressed their concerns about Plaintiff's wellbeing to Plaintiff. JetBlue employees  
2 expressed their concerns about Plaintiff's wellbeing to Plaintiff as well. Upon exiting the  
3 plane, paramedics, police officers, and TSA agents began administering treatment to  
4 Plaintiff and asking him questions about what had occurred. Ultimately, Plaintiff was  
5 given vouchers to take a different flight so that he could seek medical treatment for his  
6 injuries.

7 15. Despite having knowledge of the fact that Mr. Tyson has a propensity for  
8 violence, and despite having ownership and control over the subject JetBlue airplane  
9 and management authority over the JetBlue employees who were present when Plaintiff  
10 was attacked, JetBlue did not take any action to prevent Plaintiff from being battered by  
11 Mr. Tyson. Therefore, JetBlue was negligent in the use and maintenance of the subject  
12 JetBlue airplane on which Plaintiff was assaulted, JetBlue was negligent in the hiring,  
13 retention, and supervision of employees who were aboard the subject JetBlue airplane  
14 at the time that Plaintiff was assaulted, and JetBlue failed to use the utmost care and  
15 diligence for the safe carriage of Plaintiff on the subject JetBlue airplane.

16 16. As a result of Defendants' conduct, Plaintiff suffered physical and  
17 emotional distress from the assault and battery incident at the hands of Mr. Tyson.

### 18 **JURISDICTION AND VENUE**

19 17. The Court has personal jurisdiction over the Defendants because they are  
20 residents of, and/or are doing business the State of California.

21 18. Venue is proper under *Code of Civil Procedure* section 395 because at all  
22 relevant times herein, some or all of the parties were residents of San Francisco County,  
23 did business in San Francisco County, and the allegations, acts, omissions, and harm  
24 to Plaintiff giving rise to this lawsuit occurred in San Francisco County, State of  
25 California.

### 26 **THE PARTIES**

27 19. Plaintiff MELVIN GEORGE TOWNSEND ("Plaintiff") is an individual who,  
28 at all times relevant herein, resided in the County of Lee, State of Florida.

1           20. Defendant MICHAEL GERARD TYSON (“Mr. Tyson”) is an individual  
2 who, at all times relevant herein, resided in the County of Clark, State of Nevada.

3           21. Defendant, JETBLUE AIRWAYS CORPORATION (“JetBlue”), is, and at  
4 all relevant times mentioned herein, a Delaware corporation authorized to conduct  
5 business in the state of California.

6           22. Plaintiff is ignorant of the true names and capacities, whether corporate,  
7 associate, successor, alter ego, general employer, special employer, joint employer,  
8 client employer, labor contractor, individual or otherwise, of Defendants sued herein as  
9 DOES 1 through 100 inclusive, and therefore sues said Defendants, and each of them,  
10 by such fictitious names. Plaintiff will amend this Complaint to assert the true names  
11 and capacities of the fictitiously named Defendants when the same have been  
12 ascertained. Plaintiff is informed, believes, and based thereon alleges, that each  
13 Defendant designated as “DOE” herein is legally responsible for the events,  
14 happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter  
15 alleged and caused injuries and damages proximately therapy to the Plaintiff,  
16 hereinafter alleged.  
17

## 18   **FIRST CAUSE OF ACTION**

### 19   **Negligence**

20   ***[Against Defendant JETBLUE AIRWAYS CORPORATION***  
21   ***and DOES 1 through 100]***

22           23. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
23 as though fully set forth herein.  
24

25           24. On April 20, 2022, Plaintiff was lawfully aboard a JetBlue airplane when  
26 he was attacked by Mr. Tyson.

27           25. On April 20, 2022, Defendants JetBlue and DOES 1 through 100,  
28 inclusive, and each of them, owed a duty of reasonable care towards Plaintiff and others

1 based upon Defendants' ownership of the JetBlue airplane, Defendants' right to  
2 exercise control over the JetBlue airplane, Defendants' responsibility to manage their  
3 employees aboard the JetBlue airplane, Defendants' responsibility to maintain the  
4 JetBlue airplane, Defendants' contractual obligations, the custom and practice in the  
5 airline industry, and the commission of affirmative acts that resulted in injury to Plaintiff.

6 26. Additionally, the duty owed by Defendants JetBlue and DOES 1 through  
7 100, inclusive, and each of them, is based on *Civil Code* § 1714(a) which mandates that  
8 everyone is responsible for injury occasioned to another by his or her want of ordinary  
9 care or skill in the management of his or her property.

10 27. Plaintiff is informed and believes, and based upon such information and  
11 belief alleges that Defendants JetBlue and DOES 1 through 100, inclusive, and each of  
12 them breached said duty when, individually, and by the acts of their agents and  
13 employees, they negligently, carelessly and recklessly allowed their passenger, Mr.  
14 Tyson, an individual who is known to be violent, to drink alcohol in excess, and failed to  
15 supervise his conduct, which permitted Mr. Tyson to attack Plaintiff while on the JetBlue  
16 airplane.

17 28. Further, Plaintiff is informed and believes, and based upon such  
18 information and belief alleges that Defendants JetBlue and DOES 1 through 100,  
19 inclusive, and each of them, were otherwise aware of the dangerous and violent nature  
20 of their passenger, Mr. Tyson, aboard the JetBlue airplane, as he has a reputation for  
21 violence and abusive behavior.

22 29. Further, Plaintiff is informed and believes, and based upon such  
23 information and belief alleges that the Defendants JetBlue and DOES 1 through 100,  
24 inclusive, and each of them, performed acts that affirmatively contributed to the creation  
25 of the unsafe situation or otherwise failed to remediate such circumstances. Such  
26 conduct is affirmative in nature and created the dangerous incident leading to Plaintiff  
27 being injured.

28 ///

1 30. Further, Plaintiff is informed and believes, and based upon such  
2 information and belief alleges that the Defendants JetBlue and DOES 1 through 100,  
3 inclusive, and each of them, knew or in the exercise of reasonable care should have  
4 known of the dangerous nature of their passenger, Mr. Tyson, aboard the JetBlue  
5 airplane and failed to create an environment that was safe for airplane passengers  
6 including Plaintiff.

7 31. Further, Plaintiff is informed and believes, and based upon such  
8 information and belief alleges that the Defendants JetBlue and DOES 1 through 100,  
9 inclusive, and each of them, could have prevented the assault and battery of Plaintiff  
10 from occurring and that the costs associated with maintaining a safe environment for all  
11 people aboard the JetBlue airplane would have been minimal.

12 32. As a direct, legal, and proximate result of the negligent acts and/or  
13 omissions of Defendants JetBlue, and DOES 1 through 100, inclusive, and each of  
14 them, Plaintiff suffered severe injuries and attendant damages in an amount to be  
15 proven at trial.

16 **SECOND CAUSE OF ACTION**

17 **Common Carrier Liability**

18 *[Against Defendant JETBLUE AIRWAYS CORPORATION*  
19 *and DOES 1 through 100]*

20 33. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
21 as though fully set forth herein.

22 34. California *Civil Code* Section 2100 sets forth the obligations of a carrier of  
23 persons for reward and mandates that all such carriers “must use the utmost care and  
24 diligence for their safe carriage, must provide everything necessary for that purpose,  
25 and must exercise to that end a reasonable degree of skill.”

26 ///

27 ///

28



1           35.     California *Civil Code* Section 2100 applies to airlines, including Defendant  
2 JetBlue, as JetBlue is a company engaged in transporting people for hire, offering their  
3 services indiscriminately to the public.

4           36.     As a common carrier, Defendant JetBlue must carry passengers safely  
5 and is held to a standard that is the highest of care and vigilance of a very cautious  
6 person.

7           37.     A carrier must do all that they reasonably can do under the circumstances  
8 to avoid harm to persons or property, exercising foresight.

9           38.     The duty required of a common carrier accounts for the nature of the  
10 transportation and the practical operation of the business.

11           39.     Common carrier standards apply to those accepting a fee for services,  
12 such as Defendant JetBlue.

13           40.     Liability attaches where the carrier fails to prevent or reduce harm from  
14 other passengers, including by assault and battery.

15           41.     As previously stated, Plaintiff was attacked by Mr. Tyson while he was a  
16 paying, ticketed customer in the first-class section of a JetBlue airplane.

17           42.     As a direct, legal, and proximate result of the negligent acts and/or  
18 omissions of Defendants JetBlue, and DOES 1 through 100, inclusive, and each of  
19 them, Plaintiff suffered severe injuries and attendant damages in an amount to be  
20 proven at trial.  
21  
22

23                                   **THIRD CAUSE OF ACTION**

24                                   **Negligent Hiring, Retention, And Supervision**

25                                   *[Against Defendant JETBLUE AIRWAYS CORPORATION*  
26   *and DOES 1 through 100]*

27           ///  
28

1           43. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
2 as though fully set forth herein.

3           44. Defendants JetBlue and Does 1 through 100, inclusive, and each of them,  
4 hired airplane crew members, whose names are unknown at this time, who were  
5 employees, agents, ostensible agents, and/or representatives of Defendant JetBlue,  
6 and DOES 1 through 100, on April 20, 2022.

7           45. Plaintiff is informed and believes, and thereupon alleges, that Defendants  
8 JetBlue, and DOES 1 through 100, inclusive, and each of them, knew or in the exercise  
9 of reasonable care or diligence should have known that these airplane crew members  
10 were unfit or incompetent to perform the work for which Defendant hired them to  
11 perform, and that this unfitness and/or incompetence in the safe operation of a JetBlue  
12 airplane created a particular risk of harm to others, such as Plaintiff.

13           46. Plaintiff is informed and believes, and thereupon alleges, that Defendants'  
14 airplane crew members were unfit or incompetent to perform the work for which they  
15 were hired to perform, chiefly, to ensure the safety of passengers aboard the JetBlue  
16 airplane, for which Defendants JetBlue and DOES 1 through 100 garner significant  
17 profits.

18           47. Plaintiff is informed and believes, and thereupon alleges that Defendants  
19 JetBlue and DOES 1 through 100, inclusive, and each of them, so negligently hired,  
20 retained, and supervised these crew members so as to fail to protect Plaintiff from Mr.  
21 Tyson, a person known to be violent, despite the fact that Defendants had the power to  
22 direct, control, and influence each person aboard the JetBlue airplane.

23           48. Plaintiff is informed and believes, and thereupon alleges that Defendants  
24 JetBlue and DOES 1 through 100, inclusive, and each of them, so negligently and  
25 carelessly elected to retain these crew members' services and labor, who, on  
26 information and belief, continue to be employees , agents, ostensible agents, and/or  
27 representatives of Defendants JetBlue and DOES 1 through 100 to this day.  
28

1           49. Plaintiff is informed and believes, and thereupon alleges that Defendants'  
2           unfitness and/or incompetence in the operation of their airplane and management of  
3           their crew members created the particular risk of harm that Plaintiff ultimately suffered,  
4           *i.e.*, being assaulted and battered by Mr. Tyson while aboard the JetBlue airplane.

5           50. Plaintiff is informed and believes, and thereupon alleges that Defendants  
6           JetBlue, and DOES 1 through 100's, negligence in the hiring, supervision, and/or  
7           retention of their airline crew members, despite prior knowledge, whether actual or  
8           constructive, of the airline cre members' unfitness and incompetence, was a substantial  
9           factor in causing Plaintiff's harm.

10          51. As a direct, proximate, foreseeable, and legal result of the conduct of the  
11          Defendants, and each of them, Plaintiff was hurt and injured in his health, strength, and  
12          activity, sustaining injury to his body and shock and injury to his nervous system, all of  
13          which have caused and continue to cause Plaintiff great mental, physical and nervous  
14          strain, pain and suffering. Plaintiff is informed and believes, and thereupon alleges, that  
15          Plaintiff will thereby continue to suffer from his injuries, all to Plaintiff's general damages  
16          in an amount according to proof.

17          52. As a direct, proximate, foreseeable, and legal result of the conduct of the  
18          Defendants, and each of them, Plaintiff was required to and did employ various  
19          healthcare providers to examine, treat, and care for Plaintiff and did incur medical,  
20          therapeutic and related expenses in an amount according to proof. Plaintiff is informed  
21          and believes, and thereon alleges, that Plaintiff will incur medical, therapeutic and  
22          related expenses in the future, in an amount according to proof.

23          53. As a direct, proximate, foreseeable, and legal result of the conduct of the  
24          Defendants, and each of them, Plaintiff was required to and did lose time from Plaintiff's  
25          occupation and thereby sustained loss of earnings and/or loss of earning capacity.  
26          Plaintiff is informed and believes, and thereon alleges, that Plaintiff will lose time in the  
27          future from said occupation and that Plaintiff's respective future earning capacity have  
28          been impaired, all to their further loss, in an amount according to proof.

1 54. As a direct, legal, and proximate result of the negligent acts and/or  
2 omissions of Defendants JetBlue, and DOES 1 through 100, inclusive, and each of  
3 them, Plaintiff suffered severe injuries and attendant damages in an amount to be  
4 proven at trial.

5 **FOURTH CAUSE OF ACTION**

6 **Premises Liability**

7 *[Against Defendant JETBLUE AIRWAYS CORPORATION*  
8 *and DOES 1 through 100]*

9 55. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
10 as though fully set forth herein.

11 56. Plaintiff is informed and believes, and thereupon alleges that Plaintiff was  
12 harmed because of the way Defendants JetBlue and DOES 1through 100 managed  
13 their property.  
14

15 57. Defendants JetBlue and DOES 1 through 100 owned and controlled the  
16 airplane on which Plaintiff was assaulted and battered.

17 58. Defendants JetBlue and DOES 1 through 100 were negligent in the use  
18 and maintenance of the airplane on which Plaintiff was assaulted and battered.

19 59. Defendants JetBlue and DOES 1 through 100 had actual and/or  
20 constructive notice of the dangers posed by Mr. Tyson to other passengers, especially  
21 provided that he was consuming alcoholic beverages, and because he is a public figure  
22 with a storied history of violence and past of battering and assaulting individuals. Despite  
23 having actual and/or constructive notice, Defendants failed to take any actions to protect  
24 their passengers, including Plaintiff.  
25

26 60. As a result of the assault and battery which occurred on the subject  
27 JetBlue airplane, Plaintiff was harmed.  
28

1           61. The negligence of Defendants JetBlue and DOES 1 through 100 was a  
2 substantial factor in causing Plaintiff's harm.

3           62. As a direct, legal, and proximate result of the negligent acts and/or  
4 omissions of Defendants JetBlue, and DOES 1 through 100, inclusive, and each of  
5 them, Plaintiff suffered severe injuries and attendant damages in an amount to be  
6 proven at trial.

7   **FIFTH CAUSE OF ACTION**

8   **Assault**

9   *[Against Defendant MICHAEL GERARD TYSON*

10    *and DOES 1 through 100]*

11           63. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
12 as though fully set forth herein.

13           64. On April 20, 2022, Plaintiff was wrongfully and violently assaulted,  
14 battered, and seriously injured when Mr. Tyson repeatedly punched Plaintiff in the head,  
15 face, and neck, tore his shirt, and verbally threatened Plaintiff within the first-class  
16 section of the JetBlue airplane.

17           65. On April 20, 2022, Mr. Tyson used excessive, unreasonable, and unlawful  
18 force and threatened Plaintiff, creating apprehension and fear that Mr. Tyson intended  
19 to cause permanent harm to Plaintiff.

20           66. By reason of the aforementioned acts of Mr. Tyson and DOES 1 through  
21 100 and lack of proper security from Defendant JetBlue and DOES 1 through 100,  
22 Plaintiff was placed in great fear for his life and well-being.

23           67. By reason of the wrongful, intentional and malicious acts of Mr. Tyson and  
24 DOES 1 through 100 and breach of duty of care by Defendant JetBlue and DOES 1  
25 through 100, Plaintiff was severely injured, sustaining serious bodily injury and shock to  
26 his nervous system, which has caused and will continue to cause Plaintiff great mental  
27

28 ///

1 and physical pain and suffering, all to his general damage in an amount to be proven at  
2 trial.

3 68. By reason of the injuries inflicted upon the Plaintiff by Defendants, and  
4 each of them, Plaintiff was required to and did seek medical attention for an extended  
5 period of time and, by reason thereof, incurred hospital expenses, and was compelled  
6 to hire various healthcare providers, and by reason thereof, incurred medical care and  
7 treatment expenses. Plaintiff is informed and believes and thereon alleges that he will  
8 be forced to expend additional sums in the future for the care and treatment of his  
9 aforementioned injuries in an amount to be ascertained and according to proof.

10 69. The aforementioned acts of the individual defendants, and each of them,  
11 was willful, wanton, malicious and oppressive, therefore justifying the award of  
12 exemplary and punitive damages against Defendants.

13 **SIXTH CAUSE OF ACTION**

14 **Battery**

15 *[Against Defendant MICHAEL GERARD TYSON*  
16 *and DOES 1 through 100]*

17 70. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
18 as though fully set forth herein.

19 71. On April 20, 2022, Plaintiff was wrongfully, and violently assaulted,  
20 battered, and seriously injured when Mr. Tyson repeatedly punched Plaintiff in the head,  
21 face, and neck, tore his shirt, and verbally threatened Plaintiff within the first-class  
22 section of the JetBlue airplane.

23 72. On April 20, 2022, Mr. Tyson used excessive, unreasonable, and unlawful  
24 force by punching Plaintiff repeatedly in the head, face, and neck, and grabbed Plaintiff's  
25 shirt with such force that it ripped.

26 ///

27 ///

28

1           73. By reason of the aforementioned acts of Mr. Tyson and DOES 1 through  
2 100 and lack of proper security from Defendant JetBlue and DOES 1 through 100,  
3 Plaintiff was placed in great fear for his life and well-being.

4           74. By reason of the wrongful, intentional and malicious acts of Mr. Tyson and  
5 DOES 1 through 100 and breach of duty of care by Defendant JetBlue and DOES 1  
6 through 100, Plaintiff was severely injured, sustaining serious bodily injury and shock to  
7 his nervous system, which has caused and will continue to cause Plaintiff great mental  
8 and physical pain and suffering, all to his general damage in an amount to be proven at  
9 trial.

10          75. By reason of the injuries inflicted upon the Plaintiff by Defendants, and  
11 each of them, Plaintiff was required to and did seek medical attention for an extended  
12 period of time and, by reason thereof, incurred hospital expenses, and was compelled  
13 to hire various healthcare providers, and by reason thereof, incurred medical care and  
14 treatment expenses. Plaintiff is informed and believes and thereon alleges that he will  
15 be forced to expend additional sums in the future for the care and treatment of his  
16 aforementioned injuries in an amount to be ascertained and according to proof.

17          76. The aforementioned acts of the individual defendants, and each of them,  
18 was willful, wanton, malicious and oppressive, therefore justifying the award of  
19 exemplary and punitive damages against Defendants.

20    **SEVENTH CAUSE OF ACTION**

21    **Intentional Infliction of Emotional Distress**

22    *[Against Defendant MICHAEL GERARD TYSON*

23    *and DOES 1 through 100]*

24          77. Plaintiff re-alleges and incorporates by reference all preceding paragraphs  
25 as though fully set forth herein.

26          78. Plaintiff is informed and believes, and thereupon alleges that Mr. Tyson's  
27 conduct in assaulting and battering Plaintiff caused Plaintiff to suffer severe emotional  
28 distress.

1 79. Mr. Tyson's conduct aboard the JetBlue airplane was outrageous.

2 80. By assaulting and battering Plaintiff, Mr. Tyson intended to cause Plaintiff  
3 emotional distress, or acted with careless disregard of the probability that Plaintiff would  
4 suffer emotional distress.

5 81. As a result of Mr. Tyson's conduct, and the conduct of DOES 1 through  
6 100, Plaintiff suffered severe emotional distress, which continues to this day.

7 82. Mr. Tyson's conduct in assaulting and battering Plaintiff was a substantial  
8 factor in causing Plaintiff's severe emotional distress.

9 83. As a direct, legal, and proximate result of the negligent acts and/or  
10 omissions of Mr. Tyson and DOES 1 through 100, Plaintiff suffered severe injuries and  
11 attendant damages in an amount to be proven at trial.  
12

13  
14 **PRAYER**

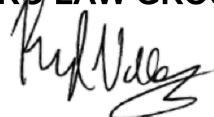
15 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of  
16 them, as follows:

- 17 1. For general damages according to proof at the time of trial;
- 18 2. For special damages according to proof at the time of trial;
- 19 3. For lost wages and loss of earning capacity according to proof;
- 20 4. For costs of suit incurred herein;
- 21 5. For interest on damages to the extent available under the law;
- 22 6. For punitive damages according to proof at the time of trial; and
- 23 7. For such other and further relief as this Court deems just and proper.

24  
25 DATED: April 19, 2024

**VALERO LAW GROUP**

26  
27 By:

  
\_\_\_\_\_  
KYLE H. VALERO, ESQ.  
Attorneys for Plaintiff,  
MELVIN GEORGE TOWNSEND




**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury in this action.

DATED: April 19, 2024

**VALERO LAW GROUP**

By:

  
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KYLE H. VALERO, ESQ.  
Attorneys for Plaintiff,  
MELVIN GEORGE TOWNSEND

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