

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LISAMARIE WADE

:

CIVIL ACTION

:

vs.

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:

RAKIM “A\$AP ROCKY” MAYERS and  
LIVE NATION ENTERTAINMENT  
INCORPORATED and  
ROC NATION LLC and  
JOHN DOES 1-15 (Security Personnel of  
RAKIM “A\$AP ROCKY” MAYERS and  
their Employer) and  
JOHN DOE COMPANIES 1-15 (Event  
Organizers and Contractors Hired to  
Maintain Safety and Security of Business  
Invitees)

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JURY TRIAL DEMANDED

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NO. 14-CV-04325-JHS.

**ANSWER OF DEFENDANT RAKIM “A\$AP ROCKY” MAYERS  
TO PLAINTIFF’S COMPLAINT  
WITH AFFIRMATIVE DEFENSES  
AND CROSSCLAIM**

Defendant **Rakim “A\$AP Rocky” Mayers**, by his attorneys, **Margolis Edelstein**, hereby  
answer Plaintiff’s Complaint as follows:

1. DENIED. This allegation includes conclusion of law to which no further answer is  
necessary. Insofar as said allegations may be deemed factual in nature, after reasonable  
investigation, answering Defendant is without knowledge or information sufficient to form a  
belief as to the truth of same.

**PARTIES**

2. Answering Defendant incorporates by reference its answer to paragraphs 1 above  
as though same were fully set forth herein at length.

3. DENIED. This allegation relates to a party other than answering Defendant and requires no further answer thereto.

4 - 6. ADMITTED in part; DENIED in part. Answering Defendant denies the allegations of Defendant's domicile, but admits that he is not domiciled in nor a citizen or resident of the Commonwealth of Pennsylvania.

7 - 8. DENIED. These allegations relate to parties other than answering Defendant and require no further answer thereto.

9. DENIED. It is specifically denied that any person unidentified in Plaintiff's Complaint was a "member" of answering Defendant's entourage and/or a security personnel until said person or persons are identified and Defendant given an opportunity to specifically indicate any relationship with such individual or individuals. Strict proof is demanded if deemed relevant at time of trial.

10. DENIED. These allegations are directed to parties other than answering Defendant and require no further answer thereto.

#### **VENUE**

11 - 12. DENIED. These allegations include conclusions of law to which no further answer is necessary. Furthermore, answering Defendant does not know whether the amount in controversy meets or exceeds the jurisdictional amount required for proper diversity jurisdiction to be claimed.

#### **STATEMENT OF FACTS**

13. Answering Defendant incorporates by reference his answers to paragraphs 1

through 12 above as though same were fully set forth herein at length.

14. DENIED. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

15. ADMITTED as stated. While it is admitted that the festival was a concert, answering Defendant is without knowledge as to the attendance at any time relevant to the incident described in the complaint. Strict proof is demanded if deemed relevant at time of trial.

16. ADMITTED.

17. DENIED. Answering Defendant disputes the characterization of moving through a crowd with his "entourage" until all individuals purportedly forming part of the "entourage" are identified and Defendant given a chance to acknowledge whether such individuals were with him or not. Furthermore, while answering Defendant acknowledges attempting to move through the crowd after completing his set to observe the performance of another performer, specifics as to the time are presently unknown. Strict proof is demanded if deemed relevant at time of trial.

18 - 19. DENIED. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment. It is acknowledged that a group of people aggressively moved towards answering Defendant. Whether Plaintiff was included in that group is yet to be determined.

20. DENIED It is specifically denied that answering Defendant turned around or made any conscious effort to strike Plaintiff or any other individual at any time relevant. Strict proof to the contrary is demanded if deemed relevant at time of trial.

21. DENIED. It is specifically that answering Defendant struck Plaintiff, let alone

struck Plaintiff with such force that she was caused to be knocked to the ground. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment. Strict proof is demanded if deemed relevant at time of trial.

22. DENIED. It is specifically denied that any person unidentified in the Complaint was a member of answering Defendant's "entourage" until said person or persons are identified and answering Defendant given a chance to determine whether he had any relationship with such person. It is further denied that answering Defendant struck Plaintiff. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments.

23. DENIED. It is specifically denied that answering Defendant caused Plaintiff to suffer any injuries or shock. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

24. DENIED. It is specifically denied that answering Defendant struck Plaintiff or otherwise caused Plaintiff to suffer any injuries. Insofar as these allegations include conclusions of law, no further answer is necessary. Insofar as said allegations are factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments. Strict proof is demanded if deemed relevant at time of trial.

25. DENIED. After reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments. Strict proof is demanded if deemed relevant at time of trial.

26. ADMITTED as stated. While it is admitted that Plaintiff filed a private Criminal Complaint, such Complaint was dismissed for lack of prosecution or otherwise withdrawn by the District Attorney's Office.

27 - 29. Answering Defendant disputes the characterization of these actions or participation in mediation which in and of itself is not admissible. Strict proof to the contrary is demanded if deemed relevant at time of trial.

30 - 39. DENIED. Answering Defendant denies these scandalous and impertinent allegations as having no relevance or relationship to the incident allegedly involving Plaintiff and disputes the characterizations of such allegations. Furthermore, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments and accordingly denies same. Strict proof is demanded if deemed relevant at time of trial.

40. DENIED. It is specifically denied that answering Defendant struck Plaintiff or otherwise has a history of aggressive or violent behavior relevant to the incident described in Plaintiff's Complaint. Strict proof to the contrary is demanded.

#### **COUNT I**

41. Answering Defendant incorporates by reference his answers to paragraphs 1 through 40 above as though same were fully set forth herein at length.

42 - 44. DENIED. It is specifically denied that answering Defendant acted in any manner such as to cause Plaintiff to suffer any injury. Strict proof to the contrary is demanded if deemed relevant at time of trial. Insofar as this allegation includes conclusions of law, no further answer

is necessary. Furthermore, Answering Defendant disputes that any unidentified person was a member of his alleged "entourage" until said person is identified. Furthermore, no one intended to cause Plaintiff any fear of offensive contact. Strict proof to the contrary is demanded.

45. DENIED. It is specifically denied that answering Defendant caused Plaintiff to suffer any injuries or damages. Insofar as this allegation includes conclusions of law, no further answer is necessary. Insofar as said allegation is factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments. It is specifically denied that answering Defendant or any member of his "entourage" attacked Plaintiff. Strict proof to the contrary is demanded.

46 - 50. DENIED. This allegation includes a conclusion of law to which no further answer is necessary. Furthermore, after reasonable investigation, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments.

51. DENIED. It is specifically denied that answering Defendant acted in a knowing, willful or malicious manner or otherwise that his conduct rises to the level of conduct necessary to support an award of punitive damages. Insofar as this allegation includes conclusions of law, no further answer is necessary. Strict proof is demanded if deemed relevant at time of trial.

## COUNT II

52. Answering Defendant incorporates by reference his answers to paragraphs 1 through 51 above as though same were fully set forth herein at length.

53 - 55. DENIED. It is specifically denied that answering Defendant caused any offensive or harmful forcible physical contact with Plaintiff let alone intended to cause such

contact. Strict proof to the contrary is demanded if deemed relevant at time of trial. Insofar as said allegation relates to the actions of an unidentified person, no such action was authorized by or on behalf of Answering Defendant. Insofar as these allegations include conclusions of law, no further answer is necessary.

56. DENIED. It is specifically denied that answering Defendant's conduct or the conduct of anyone for whom he might be deemed responsible caused any injuries to Plaintiff or anyone. Insofar as these allegations include conclusions of law, no further answer is necessary. Insofar as said allegations are factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments.

57 - 61. DENIED. This allegation includes a conclusion of law to which no further answer is necessary. Furthermore, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments.

62. DENIED. It is specifically denied that answering Defendant acted in a knowing, willful or malicious manner or otherwise that his conduct rises to the level of conduct necessary to support an award of punitive damages. Insofar as this allegation includes conclusions of law, no further answer is necessary. Strict proof is demanded if deemed relevant at time of trial.

### **COUNT III**

63. Answering Defendant incorporates by reference his answers to paragraphs 1 through 62 above as though same were fully set forth herein at length.

64. DENIED. It is specifically denied that answering Defendant or anyone for whom

he might be deemed responsible acted in an intentional outrageous or conscious manner with an intent to cause any injury to Plaintiff. Insofar as these allegations include conclusions of law, no further answer is necessary.

65 - 69. DENIED. In light of the fact that answering Defendant specifically disputes Plaintiff's allegations, it is further denied that Plaintiff has suffered any injuries or damages as a result of such alleged conduct. Insofar as these allegations include conclusions of law, no further answer is necessary. Insofar as said allegations are factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments.

70. DENIED. It is specifically denied that answering Defendant acted in a knowing, willful or malicious manner or otherwise that his conduct rises to the level of conduct necessary to support an award of punitive damages. Insofar as this allegation includes conclusions of law, no further answer is necessary. Strict proof is demanded if deemed relevant at time of trial.

#### COUNT IV

71. Answering Defendant incorporates by reference his answers to paragraphs 1 through 70 above as though same were fully set forth herein at length.

72 - 73. DENIED. This allegation includes a conclusion of law to which no further answer is necessary. By way of further answer, it is specifically averred that answering Defendant acted in a proper manner at all times and strict proof to the contrary is demanded if deemed relevant at time of trial.

74 - 81. DENIED. It is specifically denied that any actions on the part of answering



Defendant caused Plaintiff to suffer emotional distress. Insofar as these allegations include conclusions of law, no further answer is required. Insofar as said allegations may be deemed factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments.

#### **COUNT V**

82 Answering Defendant incorporates by reference his answers to paragraphs 1 through 81 above as though same were fully set forth herein at length.

83 - 93. These allegations are directed to parties other than answering Defendant and require no further answer thereto. Insofar as said allegations include conclusions of law, no further answer is required. Insofar as said allegations are factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments. Answering Defendant specifically denies initiating any harmful contact with Plaintiff or otherwise causing her to suffer any injuries. Strict proof to the contrary is demanded if deemed relevant at time of trial.

#### **COUNT VI**

94. Answering Defendant incorporates by reference his answers to paragraphs 1 through 93 above as though same were fully set forth herein at length.

95 - 98. These allegations are directed to parties other than answering Defendant and require no further answer thereto. Insofar as said allegations include conclusions of law, no further answer is required. Insofar as said allegations are factual in nature, after reasonable investigation, answering Defendant is without knowledge or information sufficient to form a

belief as to the truth of said averments. Answering Defendant specifically denies initiating any harmful contact with Plaintiff or otherwise causing her to suffer any injuries. Strict proof to the contrary is demanded if deemed relevant at time of trial.

**WHEREFORE**, Defendant **Rakim “A\$AP Rocky” Mayers** prays that judgment be entered in his favor.

**FIRST AFFIRMATIVE DEFENSE**

All or some of Plaintiff’s claims or causes of action are barred and/or are to be reduced under the terms and provisions of the *Pennsylvania Comparative Negligence Act*, the terms and provisions of which are incorporated herein by reference.

**SECOND AFFIRMATIVE DEFENSE**

At all times, Plaintiff, Lisamarie Wade, was fully familiar with the conditions then and there existing around her and proceeded to encounter said conditions with full knowledge of all dangers inherent therein. Accordingly, Plaintiff’s claims are barred by virtue of her assumption of the risk.

**THIRD AFFIRMATIVE DEFENSE**

None of the alleged acts or omissions on the part of Defendant Mayers rose to the level of conduct necessary to support an award of punitive damages.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim or cause of action for which relief in the nature of punitive damages can be awarded.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim or cause of action for which counsel fees and costs can be awarded.

**SIXTH AFFIRMATIVE DEFENSE**

Rakim "A\$AP Rocky" Mayers did not intentionally assault Plaintiff or otherwise act in a manner to cause her injuries.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim or cause of action for negligent infliction of emotional distress.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim or cause of action for intentional infliction of emotional distress.

**NINTH AFFIRMATIVE DEFENSE**

No act, action or omission on the part of answering Defendant was a proximate or legal cause of Plaintiff's injuries or damages.

**TENTH AFFIRMATIVE DEFENSE**

Defendant Rakim "A\$AP Rocky" Mayers is not responsible for the acts of unidentified individuals who may have been in proximity to him and Plaintiff, but over whose actions he had no control or duty to control.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's injuries or damages, if any, resulted from the acts or omissions of third parties

or persons over whom answering Defendant had no control or duty to control.

**CROSSCLAIM**

If Plaintiff's allegations against the remaining Defendants are proven, the same of which are specifically denied, then the remaining Defendants are alone liable to Plaintiff, liable over by way of indemnification to answering Defendant, or jointly or severally liable with answering Defendant on the cause of action declared upon.

**WHEREFORE**, Defendant **Rakim "A\$AP Rocky" Mayers** prays that judgment be entered in his favor.

**MARGOLIS EDELSTEIN**

By: 

**Donald M. Davis**

The Curtis Center - Suite #400  
170 South Independence Mall West  
Philadelphia, PA 19106-3337  
P: 215 931-5813  
F: 215 922-1772  
E: [ddavis@margolisedelstein.com](mailto:ddavis@margolisedelstein.com)

Counsel for Defendant  
**Rakim "A\$AP Rocky" Mayers**

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ANSWER OF DEFENDANT RAKIM "A\$AP ROCKY" MAYERS TO PLAINTIFF'S COMPLAINT WITH AFFIRMATIVE DEFENSES AND CROSSCLAIM is being electrically served by the Clerk of the U.S. District Court for the Eastern District of Pennsylvania upon the following counsel:

Gregory F. Cirillo, Esquire  
**Dilworth Paxson**  
1500 Market Street - Suite #3500  
Philadelphia, PA 19102

Matthew P. Faranda-Diedrich, Esquire  
**Dilworth Paxson**  
1500 Market Street - Suite #3500  
Philadelphia, PA 19102

Brian J. McMonagle, Esquire  
**McMonagle Pprri McHugh & Mischak**  
1845 Walnut Street - 19<sup>th</sup> Floor  
Philadelphia, PA 19103

Dana Klayman Weitz, Esquire  
**Master Weinstein Schatz Moyer**  
1818 Market Street - Suite #3620  
Philadelphia, PA 19103

Steven Schatz, Esquire  
**Master Weinstein Schatz Moyer**  
1818 Market Street - Suite #3620  
Philadelphia, PA 19103

Andrew J. Kramer, Esquire  
**Kane Pugh Knoell & Driscoll**  
510 Swede Street  
Norristown, PA 19401-4886



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**DONALD M. DAVIS**

September 24, 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LISAMARIE WADE,

Civil Action No.:

Plaintiff,

**JURY TRIAL DEMANDED**

v.

RAKIM “A\$AP ROCKY” MAYERS, LIVE  
NATION ENTERTAINMENT,  
INCORPORATED, ROC NATION LLC, JOHN  
DOES 1-15 (SECURITY PERSONNEL OF  
RAKIM “A\$AP ROCKY” MAYERS AND  
THEIR EMPLOYER), and JOHN DOE  
COMPANIES 1-15 (EVENT ORGANIZERS  
AND CONTRACTORS HIRED TO  
MAINTAIN SAFETY AND SECURITY OF  
BUSINESS INVITEES),

Defendants.

**COMPLAINT**

1. Plaintiff, Lisamarie Wade brings this cause of action for civil assault, battery, intentional and/or reckless infliction of emotional distress, negligent infliction of emotional distress, and negligence sounding in premises liability and failure to prevent reasonably foreseeable intentional harm, as a result of the willful, intentional, and/or reckless conduct of Defendant, Rakim “A\$AP Rocky” Mayers (“Mr. Mayers”) and John Does 1-15, and the failure of Defendants Live Nation Entertainment, Incorporated (“Live Nation”), ROC Nation LLC (“ROC Nation”), and John Doe Companies 1-15 to maintain a safe premises for Ms. Wade, a business invitee, and to take reasonable precautions against the foreseeable harmful conduct of Mr. Mayers and John Does 1-15 toward Ms. Wade.

**PARTIES**

2. The allegations in the preceding Paragraph are hereby incorporated by reference, as though fully set forth herein.

3. Plaintiff, Lisamarie Wade is an adult individual currently residing at 214 Huntingdon Pike, Rockledge PA 19046. Accordingly, Ms. Wade is domiciled in, and is a citizen of, the Commonwealth of Pennsylvania. She is a single mother to a minor child.

4. Defendant, Rakim “A\$AP Rocky” Mayers (“Mr. Mayers”) is an adult individual currently residing, upon information and belief, at 10960 Wilshire Boulevard, Floor 5, Los Angeles, California 90024. Accordingly, Mr. Mayers is domiciled in, and is a citizen of, the State of California.

5. In the alternative, Mr. Mayers is an adult individual currently residing, upon information and belief, at 172 Market Street, Apartment A, Elmwood Park, New Jersey 07407. Accordingly, Mr. Mayers is domiciled in, and is a citizen of, the State of New Jersey.

6. In the alternative, Mr. Mayers is an adult individual currently residing, upon information and belief, at 317 57th Street West, New York, New York 10019. Accordingly, Mr. Mayers is domiciled in, and is a citizen of, the State of New York.

7. Live Nation is a Delaware Corporation with its principal place of business at 9348 Civic Center Drive, Beverly Hills, California 90210. Accordingly, Live Nation is domiciled in, and is a citizen of, the State of California.

8. ROC Nation is a Delaware Corporation with its principal place of business at 9348 Civic Center Drive, Beverly Hills, California 90210. Accordingly, ROC Nation is domiciled in, and is a citizen of, the State of California. Upon information and belief, Roc Nation

is a subsidiary of Live Nation, and was formed out of a partnership between Live Nation and Shawn Corey Carter a/k/a Jay-Z.

9. John Does 1-15 are members of Mr. Mayers' entourage and/or security personnel (collectively, "entourage") present with and on behalf of Mr. Mayers and/or their employer (also a John Doe) on August 31, 2013, the date of the events substantially giving rise to the allegations in this Complaint, which are set forth in detail below. John Does 1-15 are to date unknown by name and address, and Ms. Wade will seek to uncover their identities in discovery.

10. John Doe Companies 1-15 are event organizers and contractors (collectively, "organizers") responsible in whole or in part for the purposes of maintaining the safety and security of business invitees, like Ms. Wade, in attendance at the Made in America Festival (the "Festival"), an annual music concert taking place in the vicinity of the 2300 Block of the Benjamin Franklin Parkway in Philadelphia, Pennsylvania (the "Festival premises").

#### VENUE

11. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

12. Venue is proper in the Eastern District of Pennsylvania by virtue of 28 U.S.C. § 1391(b)(2) because a substantial part of the events and/or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

#### STATEMENT OF FACTS

##### Mr. Mayers Struck Ms. Wade with Considerable Force and Knocked Her to the Ground, Causing Her Physical and Mental Injuries

13. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.



14. On or about Saturday, August 31, 2013, Ms. Wade was in attendance at the Festival.

15. The Festival is a large-scale music concert, which drew in excess of 80,000 concert-goers in 2013.

16. Mr. Mayers was a performer at the Festival, and was a well-known hip-hop music artist at all times relevant to the Complaint.

17. At approximately 4:00 p.m. on Saturday, August 31, 2013, Mr. Mayers and his entourage were moving through the crowd of concert-goers at the Festival in Ms. Wade's vicinity.

18. Up to and including the time Mr. Mayers drew near to Ms. Wade, several concert-goers, not including Ms. Wade, shoved forward to get closer to Mr. Mayers.

19. Although Ms. Wade made no effort to move closer to Mr. Mayers, he and his entourage were nevertheless approaching her position.

20. Mr. Mayers stopped in front of Ms. Wade, turned around, drew back his arm, and struck Ms. Wade forcefully with an open hand on the left side of her face.

21. Mr. Mayers struck Ms. Wade with such force that she was knocked to the ground and became momentarily disoriented.

22. After Ms. Wade fell to the ground as a result of Mr. Mayers striking her, members of Mr. Mayers' entourage grabbed Ms. Wade and forcefully shoved her away from Mr. Mayers.

23. Mr. Mayers and his entourage then continued to move briskly through the crowd to an unknown location, leaving Ms. Wade with physical injuries and the emotional shock derived from what had just occurred.

24. Solely as a result of being struck by Mr. Mayers and forcibly handled by his entourage, Ms. Wade suffered, continues to suffer, and was forced to seek treatment for injuries including but not limited to cervical sprain and strain, cervical radiculitis, cervical radiculopathies, myalgia, muscle spasm, migraine headaches, intense pain that radiates from her shoulders and into her arms and fingers, and exacerbation of pre-existing conditions and various other external and internal injuries the full extent of which are presently unknown. The aforementioned conditions are indicated in objective diagnoses from physicians treating Ms. Wade subsequent to the attack she suffered at the hands of Mr. Mayers and his entourage.

25. These injuries present difficulties in accomplishing everyday tasks, including interference with Ms. Wade's ability to care for and enjoy society with her minor child as a young, single mother.

26. On September 14, 2013, in connection with the incident described above, Ms. Wade filed a verified private criminal complaint, which was approved by the Philadelphia District Attorney's Office.

27. Ms. Wade and Mr. Mayers participated in an unsuccessful criminal mediation on November 26, 2013.

28. Because the criminal mediation was unsuccessful, the matter was set for a criminal trial.

29. Ms. Wade ultimately decided to withdraw her pursuit of criminal charges against Mr. Mayers and, as a result, the criminal proceedings against Mr. Mayers were dismissed.

**Mr. Mayers has a History of Violence in Public**

30. Unfortunately, Mr. Mayers' conduct toward Ms. Wade is the latest event in a long history of his aggressive and violent conduct directed toward members of the public at large.

31. Mr. Mayers has caused physical harm to members of the public at large and damage to property on numerous occasions.

32. Under circumstances shockingly similar to those described above, on Friday, June 28, 2013, just two months before he struck Ms. Wade, Mr. Mayers slapped a female fan across the face with considerable force as he and his entourage made their way through the crowd during a concert at the Hordern Pavilion in Sydney Australia.

33. The female fan struck by Mr. Mayers at Hordern Pavilion instituted civil causes of action against Mr. Mayers in connection with the incident.

34. On October 22, 2012, Mr. Mayers and co-performers, the A\$AP Mob, caused extensive property damage at the Fader Fort music venue in New York, New York and physical harm to an employee of the venue during a performance, apparently because they were dissatisfied with the size of the stage on which they were performing.

35. The Fader Fort employee harmed by Mr. Mayers and his associates was forced to leave the venue in an ambulance.

36. On July 19, 2012, Mr. Mayers was arrested for beating a man inside a New York, New York clothing store, after the man observed Mr. Mayers using illicit drugs, and for physically attacking two amateur photographers capturing the scene.

37. Mr. Mayers pled guilty to attempted grand larceny for attempting to take the cameras of the two photographers, in exchange for charges of robbery and criminal assault being dropped.

38. Mr. Mayers faced civil causes of action in connection with the July 19, 2012 incident.

39. On March 18, 2012, Mr. Mayers and his entourage instigated a physical brawl with several concert-goers at the SXSW Music Festival, in the middle of a performance by Mr. Mayers and co-performers, the A\$AP Mob.

40. Accordingly, Mr. Mayers' striking of Ms. Wade was unsettlingly typical in light of his previous displays of aggressive and violent behavior.

**COUNT 1**  
**CIVIL ASSAULT – MR. MAYERS AND HIS ENTOURAGE**

41. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

42. Mr. Mayers and his entourage intended to cause and did cause Ms. Wade to suffer reasonable and immediate fear and apprehension of a harmful or offensive physical contact with Ms. Wade's person.

43. At the time Mr. Mayers and his entourage caused Ms. Wade to suffer reasonable and immediate fear and apprehension of a harmful or offensive physical contact, they were in a position to inflict immediate injury and harm to Ms. Wade.

44. Ms. Wade did not consent to the actions of Mr. Mayers and his entourage and no justification or excuse existed for such actions.

45. As a direct and proximate result of the actions of Mr. Mayers and his entourage, Ms. Wade has suffered substantial injuries and harm, including but not limited to cervical sprain and strain, cervical radiculitis, cervical radiculopathies, myalgia, muscle spasm, migraine headaches, intense pain that radiates from her shoulders and into her arms and fingers, and exacerbation of pre-existing conditions and various other external and internal injuries the full extent of which are presently unknown. The aforementioned conditions are indicated in

objective diagnoses from physicians treating Ms. Wade subsequent to the attack she suffered at the hands of Mr. Mayers and his entourage.

46. These injuries have caused Plaintiff to suffer general damages in an amount in excess of \$75,000.00, in addition to such other injuries and damages that shall be determined by proof at trial.

47. As a direct and proximate result of the conduct of Mr. Mayers and his entourage, Plaintiff continues to obtain medical services and treatment and to suffer additional injuries and damages that shall be determined by proof at trial.

48. Ms. Wade has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish, and loss of the enjoyment of life.

49. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has been or will be obligated to receive and endure medical treatment and to expend considerable expenses, and may be obligated to continue to expend such sums and expenses for an indefinite time in the future.

50. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has suffered a loss of her earnings and an impairment of her earning capacity and power.

51. Mr. Mayers and his entourage acted knowingly, willfully, and with malicious intent, and therefore Ms. Wade is entitled to punitive damages in an amount to be determined by proof at trial.

**COUNT 2**  
**CIVIL BATTERY – MR. MAYERS AND HIS ENTOURAGE**

52. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

53. Mr. Mayers and his entourage intended to cause and did cause offensive and harmful forcible physical contact with, and an act of violence on, Ms. Wade's person.

54. Ms. Wade did not consent to the offensive and harmful contact of Mr. Mayers and his entourage and no justification or excuse existed for such actions.

55. The touching, striking, and other harmful contacts perpetrated upon Ms. Wade's person by Mr. Mayers and his entourage were forcible and not privileged.

56. As a direct and proximate result of the conduct of Mr. Mayers and his entourage, Ms. Wade has suffered substantial injuries and harm, including but not limited to cervical sprain and strain, cervical radiculitis, cervical radiculopathies, myalgia, muscle spasm, migraine headaches, intense pain that radiates from her shoulders and into her arms and fingers, and exacerbation of pre-existing conditions and various other external and internal injuries the full extent of which are presently unknown. The aforementioned conditions are indicated in objective diagnoses from physicians treating Ms. Wade subsequent to the attack she suffered at the hands of Mr. Mayers and his entourage.

57. These injuries have caused Plaintiff to suffer general damages in an amount in excess of \$75,000.00, in addition to such other injuries and damages that shall be determined by proof at trial.

58. As a direct and proximate result of the conduct of Mr. Mayers and his entourage, Plaintiff continues to obtain medical services and treatment and to suffer additional injuries and damages that shall be determined by proof at trial.

59. Ms. Wade has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish, and loss of the enjoyment of life.

60. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has been or will be obligated to receive and endure medical treatment and to expend considerable expenses, and may be obligated to continue to expend such sums and expenses for an indefinite time in the future.

61. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has suffered a loss of her earnings and an impairment of her earning capacity and power.

62. Mr. Mayers and his entourage acted knowingly, willfully, and with malicious intent, and therefore Ms. Wade is entitled to punitive damages in an amount to be determined by proof at trial.

**COUNT 3**  
**INTENTIONAL AND/OR RECKLESS**  
**INFLICTION OF EMOTIONAL DISTRESS –**  
**MR. MAYERS AND HIS ENTOURAGE**

63. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

64. The actions of Mr. Mayers and his entourage were intentional, extreme and outrageous, and done with the purpose and intent to cause serious emotional distress, including but not limited to humiliation, mental anguish, and emotional and physical distress, and/or with reckless disregard for the substantial likelihood of causing Ms. Wade such serious emotional distress.

65. Ms. Wade did not consent to the conduct of Mr. Mayers and his entourage and there was no justification or excuse for such egregious or outrageous conduct.

66. As a direct and proximate result of the egregious and outrageous conduct of Mr. Mayers and his entourage, Plaintiff suffered severe emotional distress, which caused Ms. Wade to sustain severe, serious, and permanent injuries to her person, contributing to substantial damages in an amount to be determined by proof at trial.

67. Ms. Wade has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish, and loss of the enjoyment of life.

68. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has been or will be obligated to receive and endure medical treatment and to expend considerable expenses, and may be obligated to continue to expend such sums and expenses for an indefinite time in the future.

69. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has suffered a loss of her earnings and an impairment of her earning capacity and power.

70. Mr. Mayers and his entourage acted knowingly, willfully, and with malicious intent, and therefore Ms. Wade is entitled to punitive damages in an amount to be determined by proof at trial.

**COUNT 4**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS –**  
**MR. MAYERS AND HIS ENTOURAGE**

71. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

72. Mr. Mayers and his entourage had a duty to conduct themselves with due regard for the safety and well-being of others at the Festival.



73. Mr. Mayers and his entourage failed to use the care that a reasonably prudent person would have used under similar circumstances.

74. Mr. Mayers and his entourage knew or should have known that failure to exercise the care that a reasonably prudent person would have used under similar circumstances would cause Ms. Wade severe emotional distress.

75. Mr. Mayers and his entourage negligently disregarded the probability of causing Ms. Wade serious emotional distress in exercising the care that a reasonably prudent person would have used under similar circumstances.

76. The failure of Mr. Mayers and his entourage to exercise such care in their actions and conduct, among other things, negligently caused Ms. Wade substantial emotional distress and/or constituted negligent disregard of the substantial likelihood of causing Ms. Wade serious emotional distress.

77. Ms. Wade did not consent to the conduct of Mr. Mayers and his entourage and there was no justification or excuse for such egregious or outrageous conduct.

78. Ms. Wade has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment, mental anguish, and loss of the enjoyment of life.

79. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has been or will be obligated to receive and endure medical treatment and to expend considerable expenses, and may be obligated to continue to expend such sums and expenses for an indefinite time in the future.

80. As a further result of the conduct of Mr. Mayers and his entourage, Ms. Wade has suffered a loss of her earnings and an impairment of her earning capacity and power.

81. As a direct and proximate result of the negligent conduct of Mr. Mayers and his entourage, Plaintiff suffered severe emotional distress, which caused Ms. Wade to sustain severe, serious, and permanent injuries to her person, contributing to substantial damages in an amount to be determined by proof at trial.

**COUNT 5**  
**NEGLIGENCE OF DEFENDANTS LIVE NATION, ROC NATION,**  
**AND THE ORGANIZERS –**  
**PREMISES LIABILITY**

82. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

83. On or about 4:00 p.m. on August 31, 2013 Ms. Wade was a business invitee at the Festival premises.

84. The Festival was operated by or under the direction of Live Nation, ROC Nation, and the organizers, and Ms. Wade was lawfully on the Festival premises for the purposes of attending the Festival.

85. At all times relevant to the Complaint, Live Nation, ROC Nation, and the organizers were in the exclusive custody, possession, and control of the Festival premises for the purposes of conducting and profiting from the Festival.

86. It was the duty of Live Nation, ROC Nation, and the organizers to keep and maintain the Festival premises in a reasonably safe condition for those persons lawfully thereon.

87. Live Nation, ROC Nation, and the organizers knew or should have known that allowing any well-known public figure, let alone Mr. Mayers, to traverse through the dense crowd of people in attendance at the Festival would generate a commotion of such magnitude

that it would endanger the personal safety of concert-goers including Ms. Wade, a business invitee.

88. Live Nation, ROC Nation, and the organizers knew or should have known that allowing Mr. Mayers to traverse the dense crowd of concert-goers at the Festival was especially dangerous given his history of violent and aggressive conduct in public and his propensity toward anger, particularly his forceful striking of a female fan across the face under nearly identical circumstances just two months prior to the Festival, at the Hordern Pavilion in Sydney, Australia.

89. Live Nation, ROC Nation, and the organizers knew or should have known about the hazardous conditions they created by allowing Mr. Mayers and his entourage to traverse through the crowd of concert-goers at the Festival like Ms. Wade, a business invitee, and knew or should have known that they subjected concert-goers to an unreasonable risk of harm as a result.

90. Live Nation, ROC Nation, and the organizers failed in their duties to Ms. Wade, a business invitee at the Festival, by failing to use reasonable care to protect her from harm that they could reasonably anticipate, but which was unforeseeable to Ms. Wade.

91. Mr. Mayers and his entourage initiated harmful contact and conduct with Ms. Wade that has caused her to suffer substantial injuries and harm, including but not limited to cervical sprain and strain, cervical radiculitis, cervical radiculopathies, myalgia, muscle spasm, migraine headaches, intense pain that radiates from her shoulders and into her arms and fingers, and exacerbation of pre-existing conditions and various other external and internal injuries the full extent of which are presently unknown. The aforementioned conditions are indicated in objective diagnoses from physicians treating Ms. Wade subsequent to the attack she suffered at

the hands of Mr. Mayers and his entourage. This harmful contact came as a direct and proximate result of the negligent acts and omissions of Live Nation, ROC Nation, and the organizers in that they negligently created dangerous and hazardous conditions at the Festival, to wit:

- a. By failing to create a safe environment for business invitees at the Festival;
- b. By failing to keep the Festival premises in a safe and proper condition for the use of their business invitees; and
- c. By failing to institute and/or enforce policies and procedures designed to prevent harm or injury to business invitees as the result of high-profile guests and/or performers moving through the crowd of concert-goers, particularly high-profile guests with a such a history of public violence and aggression as that possessed by Mr. Mayers.

92. These injuries have caused Plaintiff to suffer general damages in an amount in excess of \$75,000.00, in addition to such other injuries and damages that shall be determined by proof at trial.

93. Any waiver, express or implied, entered into by Ms. Wade by virtue of her attendance at the Festival is null and void due to the unconscionability of allowing Mr. Mayers and his entourage to traverse through the middle of the congested crowd in attendance at the Festival.

**COUNT 6**  
**NEGLIGENCE OF DEFENDANTS LIVE NATION,**  
**ROC NATION, AND THE ORGANIZERS –**  
**FAILURE TO PREVENT INTENTIONAL HARM TO MS. WADE**

94. The allegations in the preceding Paragraphs are hereby incorporated by reference, as though fully set forth herein.

95. Live Nation, ROC Nation, and the organizers had a duty to use reasonable care in investigating whether a business invitee like Ms. Wade was being harmed or was likely to be harmed by the conduct of others on the premises and to warn and protect Ms. Wade.

96. Live Nation, ROC Nation, and the organizers knew or should have known of the likelihood that harm would result to business invitees like Ms. Wade on the Festival premises by allowing Mr. Mayers and his entourage to traverse through the concert-goers.

97. Live Nation, ROC Nation, and the organizers failed to take reasonable steps to warn or protect Ms. Wade against harm, which came to fruition in the form of Mr. Mayers and his entourage initiating harmful contact with Ms. Wade that has caused her to suffer substantial injuries and harm, including but not limited to cervical sprain and strain, cervical radiculitis, cervical radiculopathies, myalgia, muscle spasm, migraine headaches, intense pain that radiates from her shoulders and into her arms and fingers, and exacerbation of pre-existing conditions and various other external and internal injuries the full extent of which are presently unknown. The aforementioned conditions are indicated in objective diagnoses from physicians treating Ms. Wade subsequent to the attack she suffered at the hands of Mr. Mayers and his entourage.

98. Any waiver, express or implied, entered into by Ms. Wade by virtue of her attendance at the Festival is null and void due to the unconscionability of allowing Mr. Mayers and his entourage to traverse through the middle of the congested crowd in attendance at the Festival.

WHEREFORE, Plaintiff, Lisamarie Wade, respectfully requests that this Court award:

(a) Medical and related expenses, as well as other compensatory and general damages for the assault and battery in excess of \$75,000;

(b) General damages for severe emotional distress and mental suffering in excess of \$75,000;

(c) General damages for negligence as a result of Live Nation's, ROC Nation's, and the organizers' failure to maintain reasonably safe conditions for Ms. Wade as a business invitee at the Festival in excess of \$75,000;

(d) General damages for negligence as a result of Live Nation's, ROC Nation's, and the organizers' failure to reasonably anticipate the harm that came to Ms. Wade as the result of the intentional conduct of Mr. Mayers and his entourage in excess of \$75,000;

(e) Punitive damages in light of Mr. Mayers' continued course of aggressive and violent conduct toward fans and members of the public at large;

(f) Costs and expenses of this action, including reasonable attorney's fees for all attorneys entering their appearance after the filing of this Complaint; and

(g) Such other relief as this Court deems equitable and just.

Respectfully submitted:

Dated: 7/17/2014

/s/ Gregory F. Cirillo  
Gregory F. Cirillo, Esquire  
PA Attorney Id. No.: 46878  
Matthew Faranda-Diedrich, Esquire  
PA Attorney Id. No.: 203541  
**DILWORTH PAXSON LLP**  
1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
(215) 575-7000 - telephone  
(215) 575-7200 - facsimile  
*Attorney for Plaintiff, Lisamarie Wade*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
LISAMARIE WADE,

Plaintiff,

v.

RAKIM "A\$AP ROCKY" MAYERS, LIVE  
NATION ENTERTAINMENT,  
INCORPORATED, ROC NATION LLC, JOHN  
DOE 1-15 (SECURITY PERSONNEL OF  
RAKIM "A\$AP ROCKY" MAYERS AND  
THEIR EMPLOYER), and JOHN DOE  
COMPANIES 1-15 (EVENT ORGANIZERS  
AND CONTRACTORS HIRED TO  
MAINTAIN SAFETY AND SECURITY OF  
BUSINESS INVITEES),

Defendants.  
\_\_\_\_\_

Civil Action No.:  
\_\_\_\_\_

**JURY TRIAL DEMANDED**

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests trial by jury of all issues contained herein properly tried before a  
Jury.

Respectfully submitted:

Dated: 7/17/2014

/s/ Gregory F. Cirillo

Gregory F. Cirillo, Esquire

PA Attorney Id. No.: 46878

Matthew Faranda-Diedrich, Esquire

PA Attorney Id. No.: 203541

**DILWORTH PAXSON LLP**

1500 Market Street, Suite 3500E

Philadelphia, PA 19102

(215) 575-7000 - telephone

(215) 575-7200 - facsimile

*Attorney for Plaintiff, Lisamarie Wade*