

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

KRYSTINA CLOWES,

Plaintiff

v.

LIVE NATION ENTERTAINMENT,
INCORPORATED; and ROC NATION, LLC;
and JOHN DOE COMPANIES 1-15 (EVENT
ORGANIZERS AND CONTRACTORS
HIRED TO MAINTAIN SAFETY AND
SECURITY OF BUSINESS INVITEES); and
RAKIM MAYERS a/k/a A\$AP ROCKY; and
DAROLD FERGUSON, JUNIOR a/k/a
A\$AP FERG; and IAN CONNOR a/k/a
YOUNG SHABBA,

Defendants

Case No.

JURY TRIAL DEMANDED

COMPLAINT

I. Background

Plaintiff, Krystina Clowes (hereinafter “Clowes”) brings this cause of action for civil battery and negligence sounding in premises liability and failure to prevent reasonably foreseeable intentional or reckless harm, as a result of the willful, intentional and/or reckless conduct of Defendant, Ian Conner, a/k/a Young Shabba (“Connor”), Defendant Rakim Mayers a/k/a A\$AP Rocky (“Mayers”), and Defendant Darold Ferguson a/k/a A\$AP Ferg (“Ferguson”), 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 Clowes, a business invitee, and

to take reasonable precautions against the foreseeable harmful conduct of Mayers, Connor and Ferguson.

II. Jurisdiction and Venue

1. This Court has subject-matter jurisdiction over Clowes' claims arising pursuant to 28 U.S.C. § 1332. This action involves parties are citizens of different states and damages sought are in excess of \$75,000.00, exclusive of costs and interest.

2. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. §1391(b)(2). A substantial part of the events and/or omissions giving rise to the claims occurred in the Western District of Pennsylvania.

III. Parties

3. Clowes is an adult individual who resides at 8212 St. Lawrence Avenue, Swissvale Pennsylvania 15218.

4. Defendant Live Nation Entertainment, Inc., 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.

5. Defendant Roc Nation, LLC., 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.

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.

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

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

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

9. Defendant Darold Ferguson, Junior is an adult individual currently residing, upon information and belief in the State of New York. Ferguson is the owner of Trap Lord Clothing, “[A] New York City based clothing and lifestyle company...” which is headquartered at E. 34th Street, New York, New York

10. Defendant Ian Connor is an adult individual currently residing, upon information and belief at 10960 Wilshire Boulevard, Floor 5, Los Angeles California 90024. Accordingly, Connor is domiciled in, and is a citizen of the State of California.

11. Defendant John Doe Companies 1-15 are event organizers and contractors (collectively “organizers”) responsible in whole or in part for the purpose of maintaining the safety and security of business invitees, like Clowes, in attendance at the Under the Influence Tour (the “Concert”), taking place at the First Niagara Pavilion located at 665 Route 18, Burgettstown, Pennsylvania 15021 (the “Concert Venue”).

IV. Facts

12. The preceding paragraphs are incorporated as if specifically averred herein.

13. On August 3, 2013, due to advertising and promotion of the collective Defendants, Clowes attended the Concert.

14. The Concert featured several musical acts, which Clowes paid to watch perform.

15. Mayers, Connor, and Ferguson performed as part of a musical act, and are well known artists within the A\$AP Mob collective.

16. During performance of Ferguson's song "Shabba," Connor was on stage, away from the main performance.

17. Connor ran to the front of the stage, and leapt from the stage into the crowd.

18. Connor's body made violent and forceful contact with Clowes' body, causing Clowes to crash to the hard ground.

19. Clowes was dazed, shocked and offended by Connor's contact with her body.

20. Clowes requested that a nearby employee of John Doe Companies 1-15, assist her to the medical personnel.

21. The employee of John Doe Company 1-15 refused to escort Clowes through the crowd to the medical station.

22. The employee of John Doe Company 1-15 refused to make room in the crowd for Clowes to safely reach medical attention.

23. After the evening's performances, Clowes walked to the medical station and filled out an incident report.

24. After initial medical treatment on site, an ambulance was summoned to transport Clowes to a hospital in nearby Pittsburgh Pennsylvania.

25. Clowes received treatment for her injuries.

26. Clowes remained in considerable pain and discomfort for weeks following the incident.

27. Clowes sought additional medical treatment and was informed that she suffered from fractured vertebra.

28. Clowes sought chiropractic treatment for her injury, as well as chemical drug treatments.

29. Despite treatment, Clowes remained in considerable pain and discomfort as a result of her injuries.

30. The members of A\$AP Mob and its affiliates have a history of leaping from the stage into the crowds below. A number of people have been injured by various members of A\$AP Mob, including injuries caused by Mayers and Ferguson.

31. Despite the known danger of such antics, and A\$AP Mob's known propensity for leaping into the crowd, Live Nation, Nation, Mayers, Ferguson, Connor, and John Doe Companies 1-15 failed to prevent this conduct from causing injury to their business invitees.

Count I

Civil Battery against Ian Connor

32. The preceding paragraphs are incorporated as if specifically averred herein.

33. Connor intended to jump from the stage and into the crowd, putting him at a great risk of offensive physical contact with a number of business invitees, including Clowes.

34. Connor was aware or reasonably should have been aware of such a risk at the time he decided to jump into the crowd.

35. Connor's self-imposed uncontrollable flight put him in a position to cause harmful or offensive physical contact with a number of business invitees, including Clowes.

36. Connor's self-imposed uncontrollable flight directly and proximately caused his body to harmfully contact Clowes' body.

37. Clowes did not consent to the actions of Connor, nor the offensive and harmful contact of Connor, and no justification or excuse existed for his actions.

38. As a direct and proximate result of the actions of Connor, Clowes has suffered substantial injuries and damages.

39. These injuries have caused Clowes to suffer damages in an amount greater than \$75,000.00, in addition to such other injuries and damages that shall be determined by proof at trial.

40. As a direct and proximate result of Connor's conduct, Clowes continues to experience pain and discomfort as a result of her injuries her injuries.

41. Clowes has suffered and will continue to suffer pain, inconvenience, embarrassment, mental anguish and the loss of enjoyment of her life.

42. Clowes 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.

43. Connor acted knowingly, willfully, and/or recklessly, while knowing the dangers of his actions, and therefore, Clowes is entitled to punitive damages in an amount to be determined by proof at trial.

44. Connor's conduct was outrageous.

Count II

Premises Liability Negligence against Live Nation, ROC Nation, the Organizers, Rakim Mayers, Darold Ferguson, and Ian Connor

45. The preceding paragraphs are incorporated as if specifically averred herein.

46. On August 3, 2013, Clowes was a business invitee at the Concert Venue.

47. The Concert was operated under the direction of Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers, and Clowes was lawfully at the Concert Venue for the purpose of attending the Concert.

48. At all times relevant to the Complaint, Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers were in the exclusive custody and control of the Concert Venue for the purposes of conducting and profiting from the Concert.

49. It was the duty of Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers to keep and maintain the Concert Venue in a reasonably safe condition for those persons lawfully present, including Clowes.

50. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers knew or should have known that allowing and/or preventing performers from leaping from the stage into the crowd was especially dangerous.

51. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers were on actual and/or constructive notice that members and affiliates of the A\$AP Mob have a propensity for leaping into the crowd, which has caused injury to others.

52. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers were on actual and/or constructive notice of the hazardous conditions created by allowing performers to leap from the stage into the crowd.

53. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers encouraged performers to jump from the stage into the crowd, despite the unreasonable risk of injury inherently caused by such uncontrollable flight.

54. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers failed in their duties to Clowes, a business invitee of the Concert, by failing to use reasonable care to protect her from harm that they could reasonably anticipate, and in fact encouraged, but which was unforeseeable to Clowes.

55. Connor initiated harmful contact and conduct with Clowes that has caused her to suffer substantial injuries and harm. This harmful contact came as a direct and proximate result of the negligent acts and omissions Live Nation, Roc Nation, Mayers,

Ferguson, Connor and the Organizers in that they negligently created dangerous and hazardous conditions at the Concert to wit:

- By failing to create a safe environment for business invitees at the Concert;
- By failing to keep the Concert Venue in a safe and proper condition for the use of their business invitees;
- By failing to institute and/or enforce policies and procedures designed to prevent harm or injury to business invitees as the result of performers leaping into the crowd from the stage, particularly performers with such a propensity for such behavior as A\$AP Mob and its affiliates; and
- By encouraging their performers to leap from the stage into the crowd.

56. These injuries have caused Clowes 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.

57. Any waiver, express or implied, entered into by Clowes by virtue of her attendance at the Concert is null and void due to the outrageousness of allowing and encouraging performers to leap from the stage into the crowds below.

Count III

Negligent Failure to Prevent Intentional Harm to Clowes

58. The preceding paragraphs are incorporated as if specifically averred herein.

59. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers had a duty to use reasonable care in investigating whether a business invitee like Clowes was being harmed or was likely to be harmed by the conduct of others on the premises and to warn and protect Clowes.

60. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers knew or should have known of the likelihood that harm would result to the business invitees like Clowes at the Concert Venue by allowing and encouraging performers to leap from the stage into the crowd.

61. Live Nation, Roc Nation, Mayers, Ferguson, Connor and the Organizers failed to take reasonable steps to warn or protect Clowes against harm, which came to fruition in the form of Connor leaping from the stage into the crowd, thus initiating harmful contact with Clowes, that has caused her to suffer substantial injuries and harm.

62. Any waiver, express or implied, entered into by Clowes by virtue of her attendance at the Concert is null and void due to the outrageousness of allowing and encouraging performers to leap from the stage into the crowds below.

WHEREFORE, Plaintiff, Krystina Clowes, respectfully requests that this Honorable Court award:

- a. Medical and related expenses, as well as other compensatory and general damages for the battery in excess of \$75,000.00;
- b. General damages for negligence as a result of Live Nation, Mayers, Ferguson, Connor and the Organizers' failure to maintain reasonably safe

conditions for Clowes as a business invitee at the Concert in excess of \$75,000.00;

- c. General damages for negligence as a result of Live Nation, Mayers, Ferguson, Conner and the Organizers' failure to reasonably anticipate the harm that came to Clowes as the result of the intentional conduct of Conner in excess of \$75,000.00;
- d. Punitive damages in light of A\$AP Mob's continued course of reckless conduct identical to that which injured Clowes;
- e. Costs and expenses of this action, including reasonable attorney's fees for all attorneys entering their appearance after the filing of this Complaint;
and
- f. Such other relief as this Honorable Court deems equitable and just.

Respectfully submitted:

/s/ Martell Harris

Martell Harris, Esquire
Attorney for Krystina Clowes

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