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FILED
LOS ANGELES SUPERIOR COURT

APR 20 2006

JOHN A. CLARKE, CLERK
M. Briseno
M. BRISENO, DEPUTY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 11 2005

ALAN SLATER, Clerk of the Court
J. Haines
BY J. HAINES

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ORANGE

BC351102

11 DANIEL KAPON, an individual;

12 Plaintiff,

13 vs.

14 MICHAEL JOE JACKSON, an individual; MJJ
15 PRODUCTIONS, INC., a California
corporation; SONY MUSIC
16 ENTERTAINMENT, INC., a Delaware
corporation; SONY MUSIC HOLDING, INC., a
17 Delaware corporation; SONY/ATV MUSIC
PUBLISHING, INC., a Delaware corporation;
18 SBC IP COMMUNICATIONS, INC., a
Delaware Corporation; and DOES 1 through
19 200, inclusive;

20 Defendants.

Case No.: 05CC00160

FIRST AMENDED COMPLAINT

1. Childhood Sexual Molestation;
2. Sexual Battery;
3. Battery;
4. Willful Misconduct;
5. Intentional Infliction of Emotional Distress;
6. Negligent Infliction of Emotional Distress;
7. Plagiarism;
8. Conversion;
9. Breach of Express Contract;
10. Breach of Implied Contract;
11. Breach of Confidence;
12. Accounting;
13. Assault;
14. False Imprisonment;
15. Fraud;
16. Negligence;
17. Civil Conspiracy;
18. Unfair Business Practices;
19. Violations of RICO;
20. Interference with Exercise of Civil Rights.

JUDGE WILLIAM M. MONROE
DEPT. C11

Summons Issued

05/11/06

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Plaintiff, DANIEL KAPON, alleges as follows:

GENERAL ALLEGATIONS

1. Defendant, MICHAEL JOE JACKSON, an individual (hereinafter "MICHAEL JACKSON"), at all times relevant to the facts herein alleged, was a resident of the State of California.

2. Plaintiff is informed and believes, and thereon alleges, that defendant MJJ PRODUCTIONS, INC. (hereinafter "MJJ") is a California Corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

3. Plaintiff is informed and believes, and thereon alleges, that defendant SONY MUSIC ENTERTAINMENT, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

4. Plaintiff is informed and believes, and thereon alleges, that defendant SONY MUSIC HOLDING, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California.

5. Plaintiff is informed and believes, and thereon alleges, that defendant SONY/ATV MUSIC PUBLISHING, INC., is a Delaware corporation, and, at all times herein mentioned, was licensed to engage in business in the State of California and was transacting business in the State of California. (SONY MUSIC ENTERTAINMENT, INC., SONY MUSIC HOLDING, INC. and SONY/ATV MUSIC PUBLISHING, INC. will hereinafter be collectively referred to as "SONY.")

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2025/05/08

1 6. Plaintiff is informed and believes, and thereon alleges, that defendant SBC IP
2 COMMUNICATIONS, INC. (hereinafter "SBC"), is a Delaware corporation, and, at all
3 times herein mentioned, was licensed to engage in business in the State of California and
4 was transacting business in the State of California at locations including but not limited to
5 200 Center Street Promenade, city of Anaheim, county of Orange, state of California.

6
7 7. Plaintiff is ignorant of the true names and capacities of the defendants sued
8 herein as DOES 1 through 200, inclusive, and therefore sues these defendants by such
9 fictitious names. Plaintiff will amend this complaint to allege their true names and
10 capacities when ascertained. Plaintiff is informed and believes and thereon alleges that
11 each of the fictitiously named defendants is responsible in some manner for the
12 occurrences herein alleged, and that their conduct was a substantial factor in plaintiff's
13 damages as herein alleged.

14 8. Plaintiff is informed and believes, and thereon alleges, that at all times herein
15 mentioned, all defendants herein were the agents and employees of the remaining co-
16 defendants and in doing the things herein alleged were acting within the scope of such
17 agency and employment.

18 **FIRST CAUSE OF ACTION**
19 **(Childhood Sexual Molestation - by Plaintiff**
20 **against Defendants MICHAEL JACKSON, MJJ, SONY**
21 **and DOES 1-100, inclusive)**

22 9. Plaintiff hereby incorporates by reference Paragraphs 1 to 8, inclusive, as though
23 fully set forth herein.

24 10. Plaintiff is a male who is currently 20 years old.

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1 11. From in or about 1987, when plaintiff was two years old, until on or about
2 December 21, 1999, when plaintiff was fourteen years old, in the Counties of Los
3 Angeles, Santa Barbara and Orange, at locations which were owned, leased or rented by
4 defendants, and each of them, defendant MICHAEL JACKSON repeatedly and forcefully
5 sexually molested plaintiff, and defendants MJJ, SONY and DOES 1-100, inclusive,
6 knew, or should have known, that defendant MICHAEL JACKSON repeatedly and
7 forcefully sexually molested plaintiff. The sexually molestation includes, but is not
8 limited to, defendant MICHAEL JACKSON sticking his tongue down plaintiff's throat,
9 masturbating plaintiff, and anally penetrating plaintiff by force.

10 12. Defendant MICHAEL JACKSON's above-described acts of sexual molestation
11 constitute conduct proscribed by Penal Code sections 286(b)(1) and/or 286(b)(2) and/or
12 286(c)(1) and/or 286(c)(2) and/or 286(c)(3) and/or 286(d) and/or 286(i) and/or 288(a)
13 and/or 288(b)(1) and/or 288a(b)(1) and/or 288a(b)(2) and/or 288a(c)(1) and/or 288a(c)(2)
14 and/or 288a(c)(3) and/or 289(a)(1) and/or 289(a)(2) and/or 289(i) and/or 647.6. Said
15 conduct was also in violation of prior laws of the State of California of similar effect at
16 the time the acts were committed.

17
18 13. As a proximate result of the conduct of defendants, and each of them, plaintiff
19 DANIEL KAPON sustained personal injuries and severe mental and emotional distress,
20 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of
21 which have caused, and continue to cause pain, discomfort, disability and suffering to
22 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

23 14. As a further result of said wrongful acts of defendants, and each of them,
24 plaintiff was required to, and did, expend money and incur obligations for medical,
25 psychiatric, psychological, and other health care services, and will in the future be
26 compelled to incur additional obligations for same, in an amount to be established
27 according to proof at time of trial.

1 15. The aforementioned acts of defendants, and each of them, were willful, wanton,
2 malicious and oppressive and justify the awarding of exemplary and punitive damages.

3 **SECOND CAUSE OF ACTION**
4 **(Sexual Battery – by Plaintiff**
5 **against Defendants, MICHAEL JACKSON**
6 **and DOES 1 through 100, inclusive)**

7 16. Plaintiff hereby incorporates by reference Paragraphs 1 to 15, inclusive, as
8 though fully set forth herein.

9 17. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive,
10 repeatedly committed sexual battery upon plaintiff by engaging in harmful sexual contact
11 with plaintiff including but not limited to sticking his tongue down plaintiff's throat,
12 masturbating plaintiff, and anally penetrating plaintiff by force.

13 18. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, in
14 doing the acts alleged above, acted with the intent to cause harmful or offensive contact
15 with intimate parts of plaintiff, and in fact did cause offensive contact with plaintiff, in
16 violation of Civil Code section 1708.5 and Penal Code section 243.4.

17 19. As a proximate result of the conduct of defendants, and each of them, plaintiff
18 DANIEL KAPON sustained personal injuries and severe mental and emotional distress,
19 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of
20 which have caused, and continue to cause pain, discomfort, disability and suffering to
21 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

22 20. As a further result of said wrongful acts of defendants, and each of them,
23 plaintiff was required to, and did, expend money and incur obligations for medical,
24 psychiatric, psychological, and other health care services, and will in the future be
25 compelled to incur additional obligations for same, in an amount to be established
26 according to proof at time of trial.

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1 21. The aforementioned acts of defendants were willful, wanton, malicious and
2 oppressive and justify the awarding of exemplary and punitive damages.

3 **THIRD CAUSE OF ACTION**
4 **(Battery - against Defendants, MICHAEL JACKSON**
5 **and DOES 1 through 200, inclusive)**

6 22. Plaintiff hereby incorporates by reference Paragraphs 1 to 21, inclusive, as
7 though fully set forth herein.

8 23. From in or about or about 1988, until December 21, 1999, defendants,
9 MICHAEL JACKSON and DOES 1 through 200, inclusive, repeatedly committed
10 battery upon plaintiff in the Counties of Orange, Los Angeles and Santa Barbara.

11 24. Defendants, MICHAEL JACKSON and DOES 1 through 200, inclusive,
12 repeatedly committed battery upon plaintiff by engaging in harmful contact with plaintiff
13 including but not limited to giving plaintiff drugs and alcohol, subjecting plaintiff to
14 unnecessary cosmetic surgery procedures, striking plaintiff, burning plaintiff, torturing
15 plaintiff, and beating plaintiff, on occasions including but not limited to on or about
16 December 21, 1999 at 200 Center Street Promenade, city of Anaheim, county of Orange,
17 state of California.

18 25. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, in
19 doing the acts alleged above, acted with the intent to cause harmful or offensive contact
20 with plaintiff, and in fact did cause offensive contact with plaintiff, in violation of Civil
21 Code section 1708.5 and Penal Code section 243.4.

22 26. As a proximate result of the conduct of defendants, and each of them, plaintiff
23 DANIEL KAPON sustained personal injuries and severe mental and emotional distress,
24 anguish, anxiety, fear, discomfort, psychological maladjustment, anger and grief, all of
25 which have caused, and continue to cause pain, discomfort, disability and suffering to
26 plaintiff, all to his general damage in an amount within the jurisdiction of this court.

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1 c. Defendants, MICHAEL JACKSON and DOES 101 through 200, inclusive,
2 violated Penal Code section 242 by committing battery upon plaintiff on multiple
3 occasions, including but not limited to on or about December 21, 1999, at 200 Center
4 Street Promenade, city of Anaheim, county of Orange, state of California.

5 **FIFTH CAUSE OF ACTION**
6 **(Intentional Infliction of Emotional Distress -**
7 **by Plaintiff against Defendants, MICHAEL JACKSON**
8 **MJJ, SONY and DOES 1 through 100, inclusive)**

9 31. Plaintiff hereby incorporates by reference Paragraphs 1 to 30 inclusive, as
10 though fully set forth herein.

11 32. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive, with
12 full knowledge of the substantial likelihood of causing plaintiff to experience severe
13 emotional distress, intentionally and maliciously, for the purpose of causing plaintiff to
14 suffer humiliation, mental anguish, and severe mental and emotional distress, and without
15 regard for the right of safety of plaintiff, DANIEL KAPON, physically, mentally and
16 emotionally abused plaintiff, including but not limited to sexually molesting plaintiff,
17 DANIEL KAPON, during the period between approximately 1987 and 1999.

18 33. The conduct of defendant, MICHAEL JACKSON and DOES 1 through 100,
19 inclusive, was intentional and malicious and done for the purpose of causing plaintiff to
20 suffer humiliation, mental anguish, and emotional and physical distress. The conduct of
21 defendants MJJ, SONY, and DOES 101 through 200, inclusive, in confirming and
22 ratifying that conduct was done with knowledge that plaintiff's emotional and physical
23 distress would thereby increase and was done with a wanton and reckless disregard of the
24 consequences to plaintiff.

25 34. As a proximate result of the aforementioned acts, plaintiff suffered humiliation,
26 mental anguish and emotional and physical distress and has been injured in mind and
27 body all to plaintiff's damage in a sum to be established according to proof at time of
28 trial.

1 35. As a further and proximate result of the aforementioned acts, plaintiff was
2 required to, and did, employ physicians and surgeons to examine, treat and care for him
3 and incurred additional medical expenses for hospital bills and other incident medical
4 expenses in an amount which has not yet been ascertained. Plaintiff is informed and
5 believes, and thereon alleges that he will incur additional medical expenses, the exact
6 amount of which is unknown.

7 36. By reason of the aforementioned acts, plaintiff suffered a loss of earnings and
8 loss of earning capacity. Plaintiff is informed and believes, and thereon alleges, that he
9 will suffer a loss of earnings and loss of earning capacity for a period in the future which
10 he cannot ascertain.

11 37. The aforementioned acts of defendants were willful, wanton, malicious and
12 oppressive and justify the awarding of exemplary and punitive damages.

13 **SIXTH CAUSE OF ACTION**
14 **(Negligent Infliction of Emotional Distress**
15 **- by Plaintiff against Defendants MICHAEL JACKSON, SBC**
16 **and DOES 1 through 200, inclusive)**

17 38. Plaintiff hereby incorporates by reference Paragraphs 1 to 37, inclusive, as
18 though fully set forth herein.

19 39. On of about December 21, 1999, plaintiff observed in close proximity his mother
20 being battered by defendants, MICHAEL JACKSON and DOES 1 through 100,
21 inclusive, at 200 Center Street Promenade, city of Anaheim, county of Orange, state of
22 California, which was owned, managed and maintained by defendants, SBC and DOES
23 101 through 200, inclusive. Defendants, SBC and DOES 101 through 200, inclusive,
24 owed a duty of due care to plaintiff to prevent and avoid foreseeable physical and mental
25 injury to plaintiff, including injury through foreseeable criminal acts of third parties, as
26 plaintiff was a business invitee lawfully on the premises, and a minor whose mother
27 worked for defendant, SBC, at the time of the incident.

1 40. At all times herein mentioned, Plaintiff was in close proximity to his mother and
2 contemporaneously observed her battery and serious injury at the hands of defendants,
3 MICHAEL JACKSON and DOES 1 through 100, inclusive.

4 41. Because of the negligence of the defendants, and each of them, and as a
5 proximate result thereof, Plaintiff sustained severe emotional distress and mental
6 suffering, all of which has caused, continues to cause, and will cause him great physical
7 and mental pain and suffering, all to his damage in a sum to be established according to
8 proof at time of trial.

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10 **SEVENTH CAUSE OF ACTION**
11 **(Plagiarism – by Plaintiff**
12 **against Defendants MICHAEL JACKSON, MJJ, SONY**
13 **and DOES 1 through 100, inclusive)**

14 42. Plaintiff hereby incorporates by reference Paragraphs 1 to 41, inclusive, as
15 though fully set forth herein.

16 43. During the time in which defendant, MICHAEL JACKSON, was recording the
17 phonorecords “Bad,” “Dangerous,” “HIStory: Past, Present and Future Book I,”
18 (hereinafter “HIStory”) and “Blood on the Dance Floor: HIStory in the Mix” (hereinafter
19 “Blood on the Dance Floor”) he misappropriated song ideas, lyrics, and melodies created
20 by plaintiff, DANIEL KAPON, which were the product of plaintiff’s own creativity and
21 therefore original and novel, and copied and/or incorporated song ideas, lyrics and
22 melodies into songs on said phonorecords without crediting or compensating plaintiff.

23 44. In or about 1987, 1991, 1995 and 1997, defendants, and each of them,
24 wrongfully, unlawfully and without plaintiff’s consent, copied and used songs authored
25 by the plaintiff and/or using proprietary material belonging to the plaintiff and released
26 them on phonorecords and other media including but not limited to the following:

- 27 a. “Bad,” released in 1987;
28 b. “Dangerous,” released in 1991;

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TWELFTH CAUSE OF ACTION
(Accounting – by Plaintiff
against all Defendants)

63. Plaintiff hereby incorporates by reference Paragraphs 1 to 62, inclusive, as though fully set forth herein.

64. The exact amounts of money received by defendants and the exact costs of production are unknown to plaintiff and can be determined only by an accounting.

65. Defendants have failed and refused, and continue to fail and refuse, to render an accounting of the amounts received as a result of the production of the phonorecords “Bad,” “Dangerous,” “HIStory” and “Blood on the Dance Floor,” and of the costs of production of said phonorecords. Plaintiff is therefore entitled to an order for an accounting.

THIRTEENTH CAUSE OF ACTION
(Assault – by Plaintiff
against Defendants, MICHAEL JACKSON
and DOES 1 through 100, inclusive)

66. Plaintiff hereby incorporates by reference Paragraphs 1 to 65, inclusive, as though fully set forth herein.

67. The despicable and outrageous conduct, of MICHAEL JACKSON and DOES 1 through 100, inclusive, as described herein, caused plaintiff to be constantly apprehensive that Defendants would intentionally invade his person and violate his right to be free from offensive and harmful contact.

68. Defendants, MICHAEL JACKSON and DOES 1 through 100, inclusive demonstrated that at all times material herein they had the present ability to subject plaintiff to an intentional offensive and harmful touching.

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1 73. The acts of defendants, MICHAEL JACKSON and DOES 1 through 100,
2 inclusive, as herein alleged, were willful, wanton, malicious and oppressive, and justify
3 the awarding of punitive damages in an amount to be proven at trial.

4 **FIFTEENTH CAUSE OF ACTION**
5 **(Fraud – by Plaintiff**
6 **against all Defendants)**

7 74. Plaintiff hereby incorporates by reference Paragraphs 1 to 73, inclusive, as
8 though fully set forth herein.

9 75. In the course of their relationship from 1987 to December 21, 1999, defendant,
10 MICHAEL JACKSON made multiple misrepresentations to plaintiff, including but not
11 limited to, that plaintiff would be compensated for his songs, lyrics, melodies, ideas and
12 other proprietary material.

13 76. Each of these representations was false and known to be false by defendant,
14 MICHAEL JACKSON, and was made with the intent to deceive plaintiff.

15 77. Plaintiff believed the representations to be true and acting in reliance upon these
16 representations, allowed defendant MICHAEL JACKSON to commit the acts alleged
17 hereinabove.

18 **SIXTEENTH CAUSE OF ACTION**
19 **(Negligence – by Plaintiff**
20 **against all Defendants)**

21 78. Plaintiff hereby incorporates by reference Paragraphs 1 to 77, inclusive, as
22 though fully set forth herein.

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1 79. Defendants, and each of them, owed a duty to use ordinary care in their
2 relationships with plaintiff in order to avoid foreseeable harm to plaintiff. Further,
3 defendants were at all times obligated to comply with all provisions of the Penal Code of
4 the State of California and other jurisdictions and to specifically comply with the Penal
5 Code sections alleged above. Furthermore, defendants had an obligation to report all
6 such Penal Code violations and to take any necessary steps to prevent Penal Code
7 violations by other defendants to whom there existed a special relationship.

8 80. Defendants, and each of them, failed to exercise due care to avoid foreseeable
9 harm to plaintiff, thus leading plaintiff to suffer physical, mental and emotional injuries.

10 81. As a foreseeable and proximate result of said negligence, plaintiff suffered
11 humiliation, mental anguish and emotional and physical distress and has been injured in
12 mind and body, all to plaintiff's damage in a sum to be established according to proof at
13 time of trial.

14 82. As a further foreseeable and proximate result of said negligence, plaintiff was
15 required to, and did, employ physicians and surgeons to examine, treat and care for him
16 and incurred additional medical expenses for hospital bills and other incident medical
17 expenses in an amount which has not yet been ascertained. Plaintiff is informed and
18 believes, and thereon alleges that he will incur additional medical expenses, the exact
19 amount of which is unknown.

20 83. As a further foreseeable and proximate result of said negligence, plaintiff
21 suffered a loss of earnings and loss of earning capacity. Plaintiff is informed and
22 believes, and thereon alleges, that he will suffer a loss of earnings and loss of earning
23 capacity for a period in the future which he cannot ascertain.

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SEVENTEENTH CAUSE OF ACTION
(Civil Conspiracy – by Plaintiff
against all Defendants)

84. Plaintiff hereby incorporates by reference Paragraphs 1 to 81, inclusive, as though fully set forth herein.

85. Starting in or about 1987, defendants, and each of them, knowingly and willfully conspired and agreed among themselves with to aid and abet defendant, MICHAEL JACKSON, in his false imprisonment and molestation of plaintiff, to take plaintiff's ideas without compensation, and to keep secret the above-described events through fraudulent behavior, threats of force and force.

86. Defendants, and each of them, did the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy and above-alleged agreement.

87. Plaintiff is informed and believes and thereon alleges that the last overt act in furtherance of the above-described conspiracy occurred on or about December 21, 1999, when defendants, MICHAEL JACKSON and DOES 1 through 100 battered plaintiff at a location owned, managed and maintained by defendants, SBC and DOES 101 through 200, inclusive.

88. In doing the things herein alleged, defendants acted willfully and with the intent to cause injury to the plaintiff. Defendants were therefore guilty of malice, oppression and fraud in conscious disregard of plaintiff's rights, thereby warranting an assessment of punitive damages in an amount appropriate to punish defendants and deter others from engaging in similar misconduct.

EIGHTEENTH CAUSE OF ACTION
(Unfair Business Practices – by Plaintiff
against Defendants MICHAEL JACKSON, MJJ, SONY
and DOES 1 through 100, inclusive)

89. Plaintiff hereby incorporates by reference Paragraphs 1 to 88, inclusive, as though fully set forth herein.

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1 90. The acts of defendants, MICHAEL JACKSON, MJJ, SONY and DOES 1
2 through 100, inclusive, as described above in paragraphs 42 through 62, inclusive,
3 constituted unfair trade practices in violation of Business and Professions Code section
4 17200.

5 91. As a proximate result of the wrongful acts herein alleged, plaintiff has been
6 economically damaged.

7 92. Plaintiff has no adequate remedy at law for the injuries currently being suffered.
8 Defendants' wrongful conduct, unless and until enjoined and restrained by order of this
9 court, will cause great and irreparable injury to plaintiff,

10 93. Plaintiff has incurred attorney's fees in a sum to be established according to
11 proof at time of trial.

12 **NINETEENTH CAUSE OF ACTION**
13 **(Violation of RICO -- by Plaintiff**
14 **against all Defendants)**

15 94. Plaintiff hereby incorporates by reference Paragraphs 1 to 93, inclusive, as
16 though fully set forth herein.

17 95. Defendants' conduct as described above constituted a conduct of an enterprise
18 through a pattern of racketeering activity in violation of 18 U.S.C.S. § 1962.

19 96. Plaintiff has been injured in his business or property by reason of defendants'
20 violation of 18 U.S.C.S. § 1962 in an amount to be established according to proof at time
21 of trial.

22 97. Plaintiff has incurred attorney's fees in a sum to be established according to
23 proof at time of trial.

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1 104. Plaintiff has no adequate remedy at law for the injuries currently being
2 suffered. Defendants' wrongful conduct, unless and until enjoined and restrained by
3 order of this court, will cause great and irreparable injury to plaintiff.

4 105. Plaintiff has incurred attorney's fees in a sum to be established according to
5 proof at time of trial.

6
7 WHEREFORE, Plaintiff prays judgment as follows:

8 **As to the First, Second, Third, Fourth, Fifth, Sixth, Thirteenth, Fourteenth,**
9 **Fifteenth, Sixteenth, Seventeenth and Twentieth Causes of Action only:**

- 10 1. For general damages according to proof;
11 2. For medical and related expenses according to proof;

12 **As to the First, Second, Third, Fourth, Fifth, Seventh, Thirteenth, Fourteenth,**
13 **Fifteenth, Seventeenth, Nineteenth and Twentieth Causes of Action only:**

- 14 3. For punitive damages in a sum sufficient to deter these and other
15 defendants similarly situated from acts such as those complained of;

16 **As to the Seventh, Eighteenth, Nineteenth and Twentieth Causes of Action only:**

- 17 4. For injunctive relief;

18 **As to the Eighth Cause of Action only:**

- 19 5. For the value of the property converted;

20 **As to the Ninth, Tenth, Eighteenth, Nineteenth, and Twentieth Causes of Action**
21 **only:**

- 22 6. For reasonable attorney's fee;

23 **As to the Ninth and Tenth Causes of Action only:**

- 24 7. For all damages flowing from the contractual breach, including but not
25 limited to, consequential damages.

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FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Daniel Kapon
P.O.Box 28683
Santa Ana, CA 92799

TELEPHONE NO: 714-454-7207

FAX NO. (Optional): 714-439-2020

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Pro per

NAME OF COURT: Superior court, County of Orange

STREET ADDRESS: 700 Civic Center Drive

MAILING ADDRESS:

CITY AND ZIP CODE: Santa Ana, CA 92701

BRANCH NAME: Central

PLAINTIFF: Daniel Kapon

DEFENDANT: Michael J. Jackson et. al.,

DOES 1 TO 200

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

AMENDED (Number):

Type (check all that apply):

MOTOR VEHICLE OTHER (specify): Racketeering

Property Damage Wrongful Death

Personal Injury Other Damages (specify): Conspiracy

Jurisdiction (check all that apply):

ACTION IS A LIMITED CIVIL CASE

Amount demanded does not exceed \$10,000

exceeds \$10,000, but does not exceed \$25,000

ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)

ACTION IS RECLASSIFIED by this amended complaint

from limited to unlimited

from unlimited to limited

IMAGED
OCSC

FILED

LOS ANGELES SUPERIOR COURT

APR 20 2006

JOHN A. CLARKE, CLERK

M. Briseno
BY M. BRISENO, DEPUTY

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 25 2005

ALAN SLATER, Clerk of the Court

E. HIRAKAWA
BY E. HIRAKAWA

Case assigned
to Judge Bolt M. Tracy

CASE NUMBER:

BC351102

05 CC 00160

1. PLAINTIFF (name): Daniel Kapon

alleges causes of action against DEFENDANT (name): Michael J. Jackson, et. al.,

2. This pleading, including attachments and exhibits, consists of the following number of pages: _____

3. Each plaintiff named above is a competent adult

a. except plaintiff (name):

(1) a corporation qualified to do business in California

(2) an unincorporated entity (describe):

(3) a public entity (describe):

(4) a minor an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(5) other (specify):

b. except plaintiff (name):

(1) a corporation qualified to do business in California

(2) an unincorporated entity (describe):

(3) a public entity (describe):

(4) a minor an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Complaint—Attachment 3.

JUDGE KIM G. DUNNING
DEPT. CX104

Fees Waived

SUMMONS ISSUED
E-FILING ORDER ISSUED TO FILING PARTY

Complet

SHORT TITLE: Kapon v. Jackson, et al.,

CASE NUMBER:

4. Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

c. except defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

b. except defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

d. except defendant (name):

(1) a business organization, form unknown

(2) a corporation

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

Information about additional defendants who are not natural persons is contained in Complaint—Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. at least one defendant now resides in its jurisdictional area.

b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. injury to person or damage to personal property occurred in its jurisdictional area.

d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

a. plaintiff has complied with applicable claims statutes, or

b. plaintiff is excused from complying because (specify):

2002/06/06

SHORT TITLE:

Kapon vs. Jackson

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify): *intellectual property, Rice*

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify): *emotional, physical*

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Complaint—Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages
- b. The amount of damages is (you must check (1) in cases for personal injury or wrongful death):
- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date:

July 25, 2005

Daniel Kapon

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)