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5 Attorneys for Plaintiffs

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO

10  
11 RUFUS HANNAH, an individual; DONALD )  
BRENNAN, an individual; )

12 )  
13 Plaintiffs, )

14 vs. )

15 RAY LETICIA, an individual; TY BEESON, an )  
individual; RYAN E. McPHERSON, an )  
16 individual; JAMES McPHERSON, an individual; )  
ZACHARY BUBECK, an individual; DANIEL )  
17 J. TANNER, an individual; MICHAEL J. )  
SLYMAN, an individual; INDECLINE )  
18 PRODUCTIONS, a company; INKERS )  
TATTOO & BODY PIERCING, a business, )  
and DOES 1 through 100, inclusive; )

19 )  
20 Defendants. )

CASE NO.

**COMPLAINT FOR DAMAGES**

- 1) Assault & Battery
- 2) Intentional Infliction of Emotional Distress
- 3) Violation of California Civil Rights (Civ. Code Section 51.7)
- 4) Violation of California Civil Rights (Civ. Code Section 52.1)
- 5) Punitive Damages (Civ. Code Section 52)
- 6) Negligent Supervision
- 7) Appropriation of Right of Publicity for Commercial Purpose
- 8) Violation of California Business and Professions Code Section 17200
- 9) Negligence

**DEMAND FOR TRIAL BY JURY**

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23 COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against  
24 defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON,  
25 ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL J. SLYMAN, INDECLINE  
26 PRODUCTIONS, INKERS TATTOO & BODY PIERCING, and DOES 1 through 100, and each of  
27 them, allege:  
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**GENERAL ALLEGATIONS**

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1. The true names and/or capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 100, inclusive, and each of them, are unknown to plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs are informed and believe and thereupon allege that each of the defendants fictitiously named herein as a DOE is legally responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to, and thereby proximately caused the injuries and damages to plaintiffs as hereinafter alleged. Plaintiffs will seek leave of court to amend this Complaint and state the true names and/or capacities of said fictitiously named defendants when the same have been ascertained.

2. Plaintiffs are informed and believe and thereupon allege that at all times mentioned herein, defendants, and each of them, including DOES 1 through 100, inclusive, were the agents, servants, employees and/or joint venturers of their codefendants, and each was, as such, acting within the course, scope and authority of said agency, employment and/or venture, and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring of each and every other defendant as an agent, employee and/or joint venturer.

3. At all times mentioned herein, plaintiff RUFUS HANNAH was a homeless resident of the County of San Diego, State of California.

4. At all times mentioned herein, plaintiff DONALD BRENNAN was a homeless resident of the County of San Diego, State of California.

5. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant RAY LETICIA was a resident of the City of Las Vegas, State of Nevada.

6. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant TY BEESON was a resident of the City of Las Vegas, State of Nevada.

7. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendants RYAN E. McPHERSON and JAMES McPHERSON were residents of the County of San Diego, State of California and resides in the City of La Mesa.

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8. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant ZACHARY BUBECK, was a resident of the City of Las Vegas, State of Nevada.

9. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant DANIEL J. TANNER, was a resident of the City of Las Vegas, State of Nevada.

10. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant MICHAEL SLYMAN, was a resident of the City of Las Vegas, State of Nevada.

11. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant INDECLINE PRODUCTIONS was a company doing business in the State of Nevada, with a business address at P.O. Box 81888, Las Vegas, Nevada 89180.

12. That at all times mentioned herein, the individual defendants, including DOES 1 through 100, inclusive, and each of them, were the owners of or had an ownership interest in INDECLINE PRODUCTIONS and that certain website known as "BUMFIGHTS.COM."

13. Plaintiffs are informed and believe, and thereupon allege, that at all times mentioned herein, defendant INKERS TATTOO & BODY PIERCING was a business operating in the County of San Diego, State of California, located at 6340 El Cajon Blvd., San Diego, CA 92115.

**FIRST CAUSE OF ACTION**

**(Assault and Battery as against Defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive)**

COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, complain and allege as follows:

14. Plaintiffs reallege as though fully set forth at length, and incorporate herein by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, above.

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15. Defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERDSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, and each of them, negligently and/or intentionally performed acts which resulted in and consisted of unwanted offensive contact with the person of plaintiffs, RUFUS HANNAH and DONALD BRENNAN. Such offensive contact included, but was not limited to: burning plaintiffs' hair, duct-taping plaintiffs' arms and legs, branding plaintiffs with permanent markers or tattoos, causing physical contact with plaintiffs thereby depriving plaintiffs of their personal liberty.

16. Plaintiff did not consent to the offensive contacts alleged herein. Furthermore, plaintiffs, two homeless residents of San Diego, did not resist or protest out of fear and the threat imposed by defendants.

17. As a direct result of the offensive contacts described herein, plaintiffs have sustained physical injury, pain, suffering, and emotional distress as may be shown according to proof at time of trial.

18. The aforementioned conduct of defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, and each of them, was oppressive, subjecting plaintiffs to cruel and unjust hardship in conscious disregard of their rights, was malicious, intended to cause injury to plaintiffs HANNAH and BRENNAN, and was despicable, carried on with a willful and conscious disregard of the rights and safety of plaintiffs, thereby warranting the assessment of punitive damages against defendants.

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**SECOND CAUSE OF ACTION**

**(Intentional Infliction of Emotional Distress as against defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive)**

COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, complain and allege as follows:

19. Plaintiffs reallege as though fully set forth at length, and incorporate herin by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, above.

20. That the conduct of defendants, and each of them, was outrageous and unprivileged, amounting to a willful, intentional and reckless disregard for the rights of plaintiffs with the probability of causing emotional distress to plaintiffs and was intentional and malicious, done for the purpose of causing plaintiffs to suffer anxiety, mental anguish and severe emotional and physical distress.

21. The conduct outlined above directly and proximately caused severe and protracted emotional distress to plaintiffs and still causes plaintiffs to suffer, and will continue to cause them to suffer in the future.

22. As a direct and proximate result of the aforementioned acts of the defendants, and each of them, plaintiffs have suffered severe physical, mental and psychological pain and anguish. As a further result thereof, plaintiffs were compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did incur hospital, medical, professional and incidental expenses, and plaintiffs are informed and believe, and thereupon allege, that by reason of their injuries, they will necessarily incur additional like expenses for an indefinite period of time in the future,

1 and the exact amount of such expenses will be stated according to proof, pursuant to California Code of  
2 Civil Procedure, Section 425.10.

3 23. As a direct and proximate result of the conduct of the defendants, and each of  
4 them, plaintiffs were hurt and injured in their health, strength and activity, sustaining injuries to their bodies  
5 and shock and injury to their nervous systems and persons, all of which said injuries have caused and  
6 continue to cause the plaintiffs great physical, mental and nervous pain and suffering. Plaintiffs are  
7 informed and believe, and thereupon allege, that said injuries will result in some permanent disability to  
8 them, all to their general damage in an amount which will be stated according to proof, pursuant to  
9 California Code of Civil Procedure, Section 425.10, which amount is in excess of Fifty Thousand Dollars  
10 (\$50,000.00).

11 24. As a further direct and proximate result of the conduct of the defendants, and  
12 each of them, plaintiffs were caused to and did suffer severe emotional distress and anxiety, causing  
13 additional injuries which will be stated according to proof, pursuant to California Code of Civil  
14 Procedure, Section 425.10, which amount is in excess of Fifty Thousand Dollars (\$50,000.00).

15 25. All of the foregoing acts by defendants, and each of them, constituted an utter  
16 wanton, conscious and careless disregard of the rights of plaintiffs and as such conduct constituted  
17 oppression, fraud or malice under California Civil Code, section 3294, plaintiffs request punitive and  
18 exemplary damages as set forth hereinafter; that inherent in plaintiffs' right to redress by exemplary  
19 damages are the following purposes: the defendants, and each of them, be deterred from continuing their  
20 conscious and despicable disregard for the rights of plaintiffs and persons similarly situated; that said  
21 defendants, and each of them, be liable for such punitive measures and in such punitive amounts as to  
22 constitute an example which would deter them, as well as other companies and members of the same  
23 industry, from like wanton, malicious, conscious and despicable disregard for the rights of the public; and  
24 that in order for the purposes to be fulfilled of the right to redress by exemplary damages, the punitive  
25 and exemplary damages should be in proportion to the assets and income of said defendants.

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27 **THIRD CAUSE OF ACTION**

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**(Violation of civil rights arising under California Civil Code Section 51.7 as against defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive)**

COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, complain and allege as follows:

26. Plaintiffs reallege as though fully set forth at length, and incorporate herin by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, paragraphs 14 through 18, inclusive, of the First Cause of Action, and paragraphs 19 through 25, inclusive, of the Second Cause of Action, above.

27. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, used violence and intimidated plaintiffs by threat of violence to perform inhumane acts for their personal enjoyment and commercial gain.

28. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, coerced, intimidated, threatened, harassed, and forced plaintiffs to perform horrific acts, including, but not limited to, the following acts: tattooing the word "BUMFIGHT" in bold, capital letters on their foreheads, hands, arms and/or chest, ramming into stone walls, crates, and other inanimate objects, inducing excessive self-intoxication, stomping and pummeling each other until bloody so as to cause great physical damage to their bodies, causing bloody cuts to the lip, eye, mouth, jaw, forehead, ankle, and other parts of plaintiffs' persons.

1                   29.     Plaintiffs are informed and believe, and thereupon allege that defendants, RAY  
 2 LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK,  
 3 DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, and each of them,  
 4 and at all times herein mentioned, treated plaintiffs in an inhumane manner, by trapping, duct-taping their  
 5 arms and feet together, and branding them by use of permanent markers or tattoos, and depriving  
 6 plaintiffs of their liberty, without their consent.

7                   30.     Plaintiffs are informed and believe, and thereupon allege that defendants, RAY  
 8 LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK,  
 9 DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through  
 10 50, inclusive, and each of them, and at all times herein mentioned, were motivated by plaintiffs' perceived  
 11 disability, in violation of plaintiffs' civil rights.

12                   31.     Plaintiffs are informed and believe, and thereupon allege that defendants, RAY  
 13 LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK,  
 14 DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through  
 15 50, inclusive, and each of them, and at all times herein mentioned, aided, abetted, incited, solicited, or  
 16 conspired with, one another, or another person as yet ascertained, to use violence upon plaintiffs, or  
 17 intimidate plaintiffs by threat of violence.

18                   32.     As a direct and proximate result of the above-described despicable, intentional  
 19 conduct of defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES  
 20 McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE  
 21 PRODUCTIONS and DOES 1 through 50, inclusive, and each of them, plaintiffs, RUFUS HANNAH  
 22 and DONALD BRENNAN, were injured and hurt in their health, strength, and activity, sustaining  
 23 injuries to their bodies, and shock and injury to their nervous systems and persons, all of which said  
 24 injuries have caused and continue to cause plaintiffs great physical, mental, and nervous pain and  
 25 suffering, all to their general damage, in an amount in excess of the jurisdictional limits of this Court.

26                   33.     As a direct and proximate result of the aforesaid acts, omissions, practices, and  
 27 decisions of the defendants, and each of them, and DOES 1 through 50, inclusive, plaintiffs have suffered  
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great mental pain and anguish, fright, nervousness, anxiety, grief, shock, apprehension, and emotional distress, all to their damages in a sum to be determined at trial.

**FOURTH CAUSE OF ACTION**

**(Violation of civil rights arising under California Civil Code Section 52.1 as against defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive)**

COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, and DOES 1 through 50, inclusive, complain and allege as follows:

34. Plaintiffs reallege as though fully set forth at length, and incorporate herein by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, paragraphs 14 through 18, inclusive, of the First Cause of Action, and paragraphs 19 through 25, inclusive, of the Second Cause of Action, and paragraphs 26 through 33, inclusive, of the Third Cause of Action, above.

35. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, interfered or attempted to interfere by threats, intimidation, or coercion with the exercise or enjoyment by plaintiffs of rights secured by the Constitution.

36. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, coerced, intimidated, threatened, harassed, forced, and/or pursued plaintiffs by acts of violence.

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37. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, coerced plaintiffs into performing inhumane acts of violence to their persons, to each other, and to other persons, without their consent.

38. As a direct and proximate result of the above-described despicable, intentional conduct of defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, plaintiffs, RUFUS HANNAH and DONALD BRENNAN, were injured and hurt in their health, strength, and activity, sustaining injuries to their bodies, and shock and injury to their nervous systems and persons, all of which said injuries have caused and continue to cause plaintiffs great physical, mental, and nervous pain and suffering, all to their general damage, in an amount in excess of the jurisdictional limits of this Court.

39. As a direct and proximate result of the aforesaid acts, omissions, practices, and decisions of the defendants, and each of them, and DOES 1 through 50, inclusive, plaintiffs have suffered great mental pain and anguish, fright, nervousness, anxiety, grief, shock, apprehension, and emotional distress, all to their damages in a sum to be determined at trial.

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**FIFTH CAUSE OF ACTION**

**(Punitive Damages arising under California Civil Code Section 52, as against defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive)**

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COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for causes of action against defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, complain and allege as follows:

40. Plaintiffs reallege as though fully set forth at length, and incorporate herein by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, paragraphs 14 through 18, inclusive, of the First Cause of Action, and paragraphs 19 through 25, inclusive, of the Second Cause of Action, paragraphs 26 through 33, inclusive, of the Third Cause of Action, above.

41. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, acted in willful and conscious disregard of plaintiffs' rights by subjecting plaintiffs to cruel, unusual, and undue hardship.

42. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, coerced, intimidated, threatened, harassed, and forced plaintiffs to perform horrific acts, including, but not limited to, the following acts: tattooing the word "BUMFIGHT" in bold, capital letters on their foreheads, chest and/or hands, ramming into stone walls, crates, and other inanimate objects, inducing excessive self-intoxication, stomping and pummeling each other until bloody as to cause great physical damage to their bodies, causing bloody cuts to the lip, eye, mouth, jaw, forehead, ankle, and other parts of plaintiffs' persons.

43. Plaintiffs are informed and believe, and thereupon allege that defendants, RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and at all times herein mentioned, treated plaintiffs in an inhumane

1 manner, by trapping, duct-taping their arms and feet together, and branding them by use of permanent  
2 markers or tattoos, and depriving plaintiffs of their liberty, without their consent.

3 44. Because the acts and/or omissions of the aforementioned defendants were either  
4 committed by or authorized, ratified or otherwise approved by officers, directors and/or managing agents  
5 of defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON,  
6 ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE  
7 PRODUCTIONS, and DOES 1 through 50, inclusive, and each of them, and carried out in a cold,  
8 deliberate, callous, intentional and/or unreasonable manner, causing injury and damage to plaintiffs, and  
9 done with a willful and conscious disregard of plaintiffs' safety and plaintiffs' rights, as more specifically  
10 set forth in paragraphs 42 and 43 which are incorporated herein by reference, plaintiffs respectfully  
11 request the assessment of punitive damages against the aforementioned defendants, and each of them, in  
12 an amount appropriate to punish or set an example of said defendants.

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**SIXTH CAUSE OF ACTION**

21 **(Negligent Supervision As Against Defendants RAY LETICIA, TY BEESON, INDECLINE**  
22 **PRODUCTIONS and DOES 51 through 100, inclusive)**

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24 COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for  
25 causes of action against defendants, RAY LETICIA, TY BEESON, INDECLINE PRODUCTIONS  
26 and DOES 51 through 100, inclusive, complain and allege as follows:

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1                   45.     Plaintiffs reallege as though fully set forth at length, and incorporate herein by  
2 reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the  
3 General Allegations, above.

4                   46.     At all times material herein, defendants DOES 51 through 100, inclusive, and  
5 each of them, owed a duty of due care in the supervision of their employees, agents, servants,  
6 independent contractors and/or co-venturers.

7                   47.     Defendants DOES 51 through 100, inclusive, and each of them, failed to  
8 provide reasonably adequate supervision of their employees, agents, servants, independent contractors,  
9 and/or co-venturers, resulting in a dangerous condition because defendants DOES 51 through 100,  
10 inclusive, and each of them, condoned and inadequately supervised the activities of said employees,  
11 agents, servants, independent contractors, and/or co-venturers, and the manner in which their employees,  
12 agents, servants, independent contractors, and/or co-venturers, operated, ran, controlled and performed  
13 their duties which posed a significant risk of injury to individuals, in a manner reasonably foreseeable  
14 and/or known to defendants DOES 51 through 100, inclusive, and each of them.

15                   48.     As a direct and proximate result of the above-described negligent and/or  
16 reckless conduct of defendants, RAY LETICIA, TY BEESON, INDECLINE PRODUCTIONS, and  
17 DOES 51 through 100, inclusive, and each of them, plaintiffs, RUFUS HANNAH and DONALD  
18 BRENNAN, were injured and hurt in their health, strength, and activity, sustaining injuries to their bodies,  
19 and shock and injury to their nervous systems and persons, all of which said injuries have caused and  
20 continue to cause, plaintiffs RUFUS HANNAH and DONALD BRENNAN, great physical, mental, and  
21 nervous pain and suffering, all to their general damage, in an amount in excess of the jurisdictional limits of  
22 this Court.

23                   49.     As a direct and proximate result of the aforesaid acts, omissions, practices, and  
24 decisions of the defendants, and each of them, and DOES 51 through 100, inclusive, plaintiffs have  
25 suffered great mental pain and anguish, fright, nervousness, anxiety, grief, shock, apprehension, and  
26 emotional distress, all to their damages in a sum to be determined at trial.

27                   50.     As a direct and proximate result of the aforementioned acts of the defendants,  
28 and each of them, plaintiffs have suffered severe physical, mental and psychological pain and anguish. As

1 a further result thereof, plaintiffs were compelled to and did employ the services of hospitals, physicians,  
 2 surgeons, nurses and the like, to care for and treat them, and did incur hospital, medical, professional and  
 3 incidental expenses, and plaintiffs are informed and believe, and thereupon allege, that by reason of their  
 4 injuries, they will necessarily incur additional like expenses for an indefinite period of time in the future,  
 5 and the exact amount of such expenses will be stated according to proof, pursuant to California Code of  
 6 Civil Procedure, Section 425.10.

7  
 8 **SEVENTH CAUSE OF ACTION**

9 **(Appropriation of Right of Publicity for Commercial Purposes as against Defendants RAY**  
 10 **LETICIA, TY BEESON, INDECLINE PRODUCTIONS, and DOES 51 through 100, inclusive)**

11  
 12 COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for  
 13 causes of action against defendants, RAY LETICIA, TY BEESON, INDECLINE PRODUCTIONS,  
 14 and DOES 51 through 100, inclusive, complain and allege as follows:

15 51. Plaintiffs reallege as though fully set forth at length, and incorporate herein by  
 16 reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the  
 17 General Allegations, above.

18 52. That plaintiffs discovered at least one advertisement created, generated,  
 19 designed, written, drawn, printed, duplicated, published and/or distributed by defendants RAY  
 20 LETICIA, TY BEESON, INDECLINE PRODUCTIONS, and DOES 51 through 100, and each of  
 21 them. That the advertisement discovered by plaintiffs was created, generated, designed, written, drawn,  
 22 printed, duplicated, published and/or distributed by defendants, and each of them, without plaintiffs'  
 23 knowledge, permission or consent.

24 53. Defendants RAY LETICIA, TY BEESON, INDECLINE PRODUCTIONS,  
 25 and DOES 51 through 100, and each of them, without plaintiffs' knowledge, permission or consent  
 26 invaded plaintiffs' right to privacy by knowingly using and appropriating plaintiffs' names, likeness, and/or  
 27 personality in the form of, but not limited to, printing, copying, reproducing, publishing and/or distributing  
 28 plaintiffs' photographs in association with a mass mailing, mass hand distribution, posters, T-shirts,

1 videotapes, and/or other modes of commercial advertisement intended to spur the business sales and  
 2 profits of defendants, and each of them. Defendants' conduct, and the conduct of each of them, involved  
 3 the appropriation and/or use of plaintiffs' name, likeness and personality because the use of plaintiffs'  
 4 photographs in association with the advertising/publication implied plaintiffs' assistance with its  
 5 preparation, and/or plaintiffs' endorsement of defendants' products and/or services, neither act of which  
 6 plaintiffs, in fact, engaged.

7 54. That the above-described appropriation was unauthorized and wholly without  
 8 plaintiffs' consent.

9 55. The appropriation of defendants, and each of them, was solely for the pecuniary  
 10 gain and profit of defendants, and each of them.

11 56. As a proximate result of defendants' appropriation and unauthorized use of  
 12 plaintiffs' name, likeness, personality and/or photographs, as herein described, plaintiffs were exposed to  
 13 contempt, ridicule, embarrassment, humiliation, hurt feelings, mental anguish and suffering in an amount in  
 14 excess of the minimum jurisdictional limits of this Court.

15 57. That as a further proximate result of defendants' appropriation and unauthorized  
 16 use of plaintiffs' name, likeness, personality and/or photographs, as herein described, plaintiff is entitled to  
 17 statutory damages, as set forth in Civil Code, Section 3344(b), including but not limited to the actual  
 18 damages suffered by plaintiffs, any profit gained by defendants, and each of them, derived from the  
 19 commercial advertisements, and attorney's fees and costs.

20 58. That in so taking, obtaining, coming into the possession of, copying, publishing,  
 21 printing, distributing and/or using plaintiffs' pictures, without plaintiffs' authorization, consent or license, in  
 22 its commercial advertisements, defendants, and each of them, acted wilfully, oppressively, fraudulently,  
 23 maliciously, and in conscious disregard of plaintiffs' rights of privacy and publicity. Plaintiffs, therefore,  
 24 seek an award of punitive damages against defendants, and each of them.

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**EIGHTH CAUSE OF ACTION**

1                   **(Violation of Business and Professions Code Section 17200 as against defendants RAY**  
2                   **LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES McPHERSON, ZACHARY**  
3                   **BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE PRODUCTIONS, and**  
4                   **DOES 51 through 100, inclusive)**

5  
6                   COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for a  
7 cause of action against defendants RAY LETICIA, TY BEESON, RYAN E. McPHERSON, JAMES  
8 McPHERSON, ZACHARY BUBECK, DANIEL J. TANNER, MICHAEL SLYMAN, INDECLINE  
9 PRODUCTIONS, and DOES 51 through 100, inclusive, complain and allege as follows:

10                  59.       Plaintiffs reallege as though fully set forth at length, and incorporate herein by  
11 reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the  
12 General Allegations, paragraphs 15 and 16 of the First Cause of Action and paragraphs 27 through 31 of  
13 the Third Cause of Action, above.

14                  60.       Plaintiffs bring this cause of action pursuant to Business and Professions Code  
15 17200, as persons acting individually and for the interests of the general public.

16                  61.       California Business and Professions Code 17200 provides that unfair competition  
17 shall mean and include, "all unlawful, unfair or fraudulent business practices and unfair, deceptive, untrue  
18 or misleading advertising."

19                  62.       These practices constitute unlawful, unfair and fraudulent business acts or  
20 practices, within the meaning of California Business and Professions and Code 17200.

21                  63.       The acts and practices described were and are unlawful and therefore constitute  
22 unfair business practices within the meaning of Business and Professions Code Section 17200.

23                  64.       As a result of their conduct described above, defendants have been and will be  
24 unjustly enriched. Defendants have been unjustly enriched by receipt of money from the service, carried  
25 out in part as a result of the acts and omissions described herein.

26                  65.       Because of defendants' conduct as detailed above and the inherently unfair  
27 practices of failing to adhere to the business code, the acts of defendants described herein constitute  
28 unfair and/or fraudulent business practices.



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66. Plaintiffs, pursuant to California Business and Professions Code 17200, seek an order of this court, compelling defendants to provide restitution, and to disgorge the monies collected and profits realized by defendants, as a result of their unfair business practices, and injunctive relief calling for defendants to cease such unfair business practices in the future.

**NINTH CAUSE OF ACTION**

**(Negligence as against defendant INKERS TATTOO & BODY PIERCING, and DOES 51 through 100, inclusive)**

COME NOW plaintiffs RUFUS HANNAH and DONALD BRENNAN, and for a cause of action against defendant INKERS TATTOO & BODY PIERCING, and DOES 51 through 100, inclusive, complain and allege as follows:

67. Plaintiffs reallege as though fully set forth at length, and incorporate herein by reference, all of the allegations and statements contained in paragraphs 1 through 13, inclusive, of the General Allegations, above.

68. At all times mentioned herein, defendant, including DOES 51 through 100, inclusive, and each of them, were engaged in the business of and had a duty to conduct tattoo and piercing services, in a reasonable manner, which defendant knew, or in the exercise of reasonable care should have known that these services would be performed upon persons unable to provide consent.

69. At all times mentioned herein, defendants, and each of them, including DOES 51 through 100, inclusive, and each of them, breached their above-mentioned duties by negligently, recklessly, and/or carelessly performing such services upon plaintiffs who defendants knew had a diminished capacity to consent, and that same was causing and in fact did cause personal injuries to the plaintiffs.

70. Plaintiffs are informed and believe that defendant and/or their agents tattooed the word "BUMFIGHT" on plaintiffs' foreheads, hands, forearms and/or chests, with full knowledge that plaintiffs were intoxicated and/or otherwise unable to provide consent.

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71. As a proximate result of the negligent, careless, and/or other actionable conduct of the defendant, including DOES 51 through 100, inclusive, plaintiffs suffered permanent personal injuries including, but not limited to, permanent tattoos, physical pain and suffering and emotional distress.

72. As a direct and proximate result of the aforementioned acts of the defendants, and each of them, plaintiffs have suffered severe physical, mental and psychological pain and anguish. As a further result thereof, plaintiffs were compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did incur hospital, medical, professional and incidental expenses, and plaintiffs are informed and believe, and thereupon allege, that by reason of their injuries, they will necessarily incur additional like expenses for an indefinite period of time in the future, and the exact amount of such expenses will be stated according to proof, pursuant to California Code of Civil Procedure, Section 425.10.

WHEREFORE, plaintiffs RUFUS HANNAH and DONALD BRENNAN pray for judgment against defendants, and each of them, as follows:

1. For general damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), and according to proof;
2. For special damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), and according to proof;
3. For hospital, medical, and incidental expenses, according to proof;
4. For prejudgment interest, according to proof;
5. For punitive damages related thereto, according to proof;
6. For disgorgement of gratis and monies unlawfully received;
7. For costs of suit incurred herein; and
8. For such other and further relief as the Court may deem just and proper.

DATED: October 3, 2002  
GREENE, BROILLET, TAYLOR,  
WHEELER & PANISH LLP

GREENE, BROILLET, PANISH & WHEELER LLP

P.O. BOX 2131

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BROWNE GREENE  
MARK T. QUIGLEY  
Attorneys for Plaintiffs

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**DEMAND FOR TRIAL BY JURY**

Plaintiffs RUFUS HANNAH and DONALD BRENNAN hereby demand trial of all causes by jury.

DATED: October 3, 2002

GREENE, BROILLET, PANISH & WHEELER LLP

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Attorneys for Plaintiffs