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DEANN FATTORINI and FERDINAND FATTORINI

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEANN FATTORINI and FERDINAND FATTORINI, Plaintiffs, v. SHAWNE MERRIMAN; MONICA MAASS; ELIAS WEHBE; WARWICK LA; THE HIGHLIGHT ROOM; J.P. CASTRO; and, DOES 1 through 50, inclusive, Defendants.	Case No.: Assignment: Department: Filing Date: **COMPLAINT FOR WRONGFUL DEATH** **1. Battery** **2. Drug Dealer Liability Act** **3. Negligence**

COME NOW Plaintiffs, DEANN FATTORINI and FERDINAND FATTORINI, and allege:

GENERAL ALLEGATIONS

1. At all times relevant to this action, all of the tortious and non-tortious acts, transactions, and occurrences, which gave rise to this action, occurred in substantial part in the city and county of Los Angeles in the State of California, which is within the jurisdiction of the above-captioned Court.

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2. At all times relevant to this action, the Plaintiffs, DEANN FATTORINI and FERDINAND FATTORINI (hereafter referred to collectively as "Plaintiffs" or individually as "DEANN" and "FERDINAND"), were individuals residing in the County of Los Angeles of the State of California. The Plaintiffs are the parents of KIMBERLY FATTORINI (hereafter "KIMBERLY"), who died on July 21, 2017, in West Hollywood, California. Pursuant to Code of Civil Procedure § 377.60 and intestate succession, Plaintiffs bring these causes of action for wrongful death as KIMBERLY's surviving parents.

3. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, SHAWNE MERRIMAN (hereafter "MERRIMAN"), was an individual residing in the County of Los Angeles in the State of California.

4. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, MONICA MAASS (hereafter "MAASS"), was an individual residing in the County of Los Angeles in the State of California.

5. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, ELIAS WEHBE (hereafter "WEHBE"), was an individual residing in the County of Los Angeles in the State of California.

6. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, WARWICK LA (hereafter "THE WARWICK"), was a business entity operating and doing business in the County of Los Angeles in the State of California.

7. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, THE HIGHLIGHT ROOM, was a business entity operating and doing business in the County of Los Angeles in the State of California.

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8. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, the Defendant, J. P. CASTRO (hereafter "CASTRO"), was an individual residing in the County of Los Angeles in the State of California.

9. Plaintiffs are informed and believe, and upon such information and belief allege, that, at the time of filing this action, Plaintiffs do not know the true names and capacities of certain defendants, whom Plaintiffs identify herein by the fictitious names of Defendants, DOES 1 through 50, inclusive. Upon ascertaining the true names and capacities of the fictitiously-named defendants, Plaintiffs will ask leave of court to amend this Complaint in order to properly designate and allege the true names and capacities of Defendants, DOES 1 through 50, inclusive. With regard to each and every allegation set forth in this Complaint, any allegations referring generally to "Defendants", or to any particular Defendant, shall be construed to apply individually and collectively to each of the Defendants, including DOES 1 through 50, inclusive, unless otherwise noted. Further, to the extent that any non-fictitiously named Defendant has been misidentified, then all fictitiously named Defendants, DOES 1 through 50, inclusive, are to be considered as having engaged in the same actions and omissions, and subject to the same allegations, as any previously identified named Defendant that was misidentified in the original pleading.

10. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, each of the Defendants is the agent, servant, alter ego, or employee of the remaining Defendants and is at all times acting within the scope of that agency or relationship.

11. Plaintiffs are informed and believe, and upon such information and belief allege, that, at all times relevant to this action, each of the Defendants is the successor-in-interest to each of the remaining Defendants, and on that basis, is liable for any act, or omission, of said Defendants alleged in this Complaint.

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GENERAL FACTUAL ALLEGATIONS

12. Plaintiffs re-allege, and incorporate by reference herein, each and every allegation contained in this Complaint for Wrongful Death.

13. This action arises out of the tragic and untimely death of KIMBERLY who died on July 21, 2017, in West Hollywood, California.

14. KIMBERLY was the daughter of DEANN and FERDINAND.

15. KIMBERLY grew up in La Mirada, California. She attended La Mirada High School where she graduated with honors, while maintaining a job at the local supermarket and serving as president of a local charitable organization. After graduating high school, KIMBERLY attended Whittier College where she double majored in Business Administration and Economics and received a Bachelor of Arts degree for her hard work.

After college, KIMBERLY began working as a casting associate in Los Angeles with Playboy Enterprises, Inc. During her years working as a casting associate, KIMBERLY began attending events in the entertainment industry, visiting popular venues, and making friends with a large network of people. One of those people was WEHBE, who KIMBERLY met in the last month or two before her death.

16. WEHBE is a "nightlife entrepreneur" and club promoter. When WEHBE met KIMBERLY, he had recently become a partner at one of Los Angeles' nightclubs – THE WARWICK. As a club promoter and partner of THE WARWICK, he has described his personal role at THE WARWICK as overseeing VIP relations and facilitating regular appearances from his personal network of renowned talent. According to WEHBE, he would set THE WARWICK apart from other popular hotspots in Los Angeles by keeping everything super private and exclusive, especially when it comes to the celebrity and VIP clientele. For example, one such celebrity within WEHBE's personal

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network of renowned talent and celebrity clientele was former NFL linebacker, "Lights Out" MERRIMAN.

17. After WEHBE met KIMBERLY, he began inviting her and her friends to THE WARWICK, providing "bottle service" to them, and introducing them to his network. He would also offer and urge everyone, including KIMBERLY, to consume cocaine and party with him around his VIP network until the sun came up. It was the nature of his business. He was bringing the women to get the VIPs and bring them together at his clubs. He would push drugs and after parties in order to keep the experience going for the VIPs, thereby ensuring repeat business for the clubs, an extension of his network, profit, and a rise in the ranks.

18. As one of many invitations, during the week of July 17, 2017, WEHBE invited KIMBERLY to a new nightclub project he was promoting in Hollywood. The nightclub was called THE HIGHLIGHT ROOM. It was having its grand opening on Thursday, July 20, 2017. However, KIMBERLY was planning on flying out of town at 8:00 pm. on Friday, July 21, 2017. She had a pre-planned weeklong vacation with her parents in the pacific northwest. She needed to get ready for her trip and arrange different appointments for herself before leaving.

However, her "friend" MAASS asked KIMBERLY to "please come" out to THE WARWICK on Saturday, July 22, 2017, because it was MAASS' birthday. After telling MAASS that she would be out of town from July 21, 2017, through July 28, 2017, KIMBERLY proposed they join WEHBE on Thursday, July 20, 2017, at THE HIGHLIGHT ROOM, before KIMBERLY left town.

After getting things ready for her trip at the beginning of the week, KIMBERLY told WEHBE that she would come out to THE HIGHLIGHT ROOM on the evening of July 20, 2017. When she arrived at THE HIGHLIGHT ROOM that evening, KIMBERLY, MAASS, and some other women were shown into the club to join WEHBE at his exclusive promoter's table, where they imbibed, danced, and listened to DJ Erick Morillo until 2:00-2:30 in the morning the following day. MERRIMAN was also an invited guest at THE HIGHLIGHT ROOM that night, along with other members of WEHBE's VIP network.

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19. After the nightclub, WEHBE went to his house and asked some of his network to bring cocaine over to his house to keep the party going. He also contacted KIMBERLY and asked her to come over to his house. After getting an Uber, KIMBERLY and some of the other women, including MAASS, went over to WEHBE's house.

20. After WEHBE got KIMBERLY and the other women to come over to his house, WEHBE began texting a friend – CASTRO – to come over and take the women. WEHBE exchanged texts with CASTRO around 6:00 a.m. as follows:

WEHBE:	Can u bring chasers
CASTRO:	On my peeps fam
	Got you
	Shoot the address
WEHBE:	Bring some lemonades oj anything organic
	[home address provided]
CASTRO:	Haha Kk
WEHBE:	Don't bring ur boy
	These 4 girls are hot as fuck
CASTRO:	I won't
WEHBE:	[screenshot]
	Only one is weak *putting her to sleep tho*
	Coke dealer can bang her
	He gets the scum

About two hours after texting the first friend, WEHBE began texting MERRIMAN the following messages:

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WEHBE:	Omg I'm weak
	Got 3 whores over
	Stefanie kim and Valerie
SHAWNE:	Jonathon is here
WEHBE:	Good luck
MERRIMAN:	She would come up there for a min or no?
WEHBE:	Nah I'm tryna get rid of them so I can smash
	These girls won't leave
	Tell Johnathan to text him
MERRIMAN:	Aight I can come and take them
	. . .
MERRIMAN:	20 min from your crib
WEHBE:	*Do u know kim*
	Way too far bro
MERRIMAN:	*Yea I do*
WEHBE:	*I need them out asap*
	Text her
	Hold on
	Gonna give u her number
MERRIMAN:	Aight
WEHBE:	[Texts Kim's cell number]
MERRIMAN:	I'll get a hotel and I can take her there if she's down
	If she's not I can chill here idc
	Not in the mood for games

Attached as ***Exhibit "A"* to this Complaint** are screenshots of the text messages between WEHBE and the first friend with certain private contact info removed due to public record.

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Attached as ***Exhibit "B"*** **to this Complaint** are screenshots of the text messages between WEHBE and MERRIMAN with certain private contact info removed due to public record.

21. WEHBE wanted to be alone with Stefanie that evening, and so, after getting rid of the other women except for KIMBERLY and MAASS, he was able to isolate himself with Stefanie since he had assigned KIMBERLY to MERRIMAN and MAASS to CASTRO. However, he did not tell the women about his plans. Instead, he told KIMBERLY that he just wanted everyone out of his house except KIMBERLY, MAASS, WEHBE, and Stefanie.

22. MERRIMAN arrived at WEHBE's house sometime between 8:30 a.m. and 9:00 a.m. A witness noticed MERRIMAN had some kind of bottle with him filled with a liquid.

23. While WEHBE was hidden away somewhere in his house, KIMBERLY texted WEHBE to tell him that she was panicked because something had been put in her drink. Specifically, KIMBERLY texted WEHBE the following:

> KIMBERLY: But Your friend just poor'd half G in my drink
> And I have never
> Don't go to sleep come Check on mr lllllllllllqlqllqllll
> Me when you can

Attached as ***Exhibit "C"*** **to this Complaint** are screenshots of the text messages sent by KIMBERLY to WEHBE between 9:17 a.m. and 9:23 a.m. WEHBE never replied.

24. "G" is an abbreviation for gamma hydroxybutyrate (hereafter referred to as "GHB"). It is a central nervous system (CNS) depressant. It is a popular drug for use in lowering the inhibitions of women and facilitating sexual assault due to its rapid onset, disinhibitory and amnestic effects, and rapid clearance from blood and urine, which makes the drug difficult to detect. Findings suggestive of

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sexual assault include complaints of unexplained lapses in memory, sudden onset of increased intoxication, and missing or disheveled clothing. (See Wolters Kluwer (2019) UpToDate - Gamma hydroxybutyrate (GHB) intoxication.)

25. At 9:48 a.m., although they were just interacting earlier in WEHBE's house, MERRIMAN texted KIMBERLY in an attempt to communicate with her. The following text messages were exchanged between 9:48 a.m. and 10:14 a.m.:

MERRIMAN:	What's your address so I can call a car
KIMBERLY:	Where are at my girl Wants To go but we p
MERRIMAN:	She don't want to stay with him?
KIMBERLY:	No dgtvr nnmmmmmmmmo
MERRIMAN:	Either way is cool what's your address I'll call a car for us
KIMBERLY:	What's ur address
	Where r u
MERRIMAN:	Downstairs
	Come here and lmk
KIMBERLY:	Ok where
	Where r u
MERRIMAN:	Downstairs
KIMBERLY:	Downstairs where??
MERRIMAN:	By the bathroom
KIMBERLY:	In the house?
MERRIMAN:	Yea
	Down the stairs
KIMBERLY:	Where?
MERRIMAN:	Just walk down the stairs
	Just tell me what you want to do

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Should I come with you

To your place

Eli isn't coming

KIMBERLY: [Text of an Apple Maps Screenshot to Show Merriman Her Location on a Map (inside the same house as him)]

Attached as ***Exhibit "D"*** **to this Complaint** are screenshots of the text messages sent between KIMBERLY to MERRIMAN between 9:48 a.m. and 10:14 a.m. with certain private contact info removed due to public record.

26. Around the time of MERRIMAN's last text message to KIMBERLY, MERRIMAN ordered an Uber to take KIMBERLY, MAASS, CASTRO, and MERRIMAN to MAASS' apartment. Later, after KIMBERLY'S death, MAASS reported that the UBER was supposed to drop MAASS off at her apartment and then drop KIMBERLY at her apartment before taking MERRIMAN and CASTRO elsewhere. However, when MAASS was being dropped off, she felt that KIMBERLY did not want to be in the car alone with MERRIMAN and CASTRO, so MAASS invited KIMBERLY inside to rest in her apartment. MAASS then invited MERRIMAN and CASTRO inside the apartment as well to drink some of the Bacardi rum she had there.

27. Around five hours later, at approximately 3:16 p.m., MAASS called 911 to report that she had been trying to wake KIMBERLY up because she knew KIMBERLY had a 12:00 p.m. appointment. However, MAASS claimed that she suddenly discovered that KIMBERLY was not moving. During the 911 call, the following statements were made between MAASS and the operator/paramedics:

OPERATOR: How old is she?

MAASS: 30.

OPERATOR: You or her?

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MAASS: She's 30.

OPERATOR: Okay. And she's not awake right now?

MAASS: No. She's not breathing.

. . . .

OPERATOR: I have them on the way to you right now and they've asked me to give you some instructions. Can you get her onto the floor?

MAASS: I'm sorry?

OPERATOR: Can you get her onto the floor laying on her back?

MAASS: No, I don't want to touch her to be honest.

OPERATOR: Ma'am, if we could get her CPR and help her we would want to try.

MAASS: Okay well, that's, the paramedics need to come and do that, I'm not gonna do that, I don't want to touch her.

OPERATOR: Ma'am, the fire department is on the way, but I need you to help her until we get there.

MAASS: Okay. Okay. That's fine.

OPERATOR: Just pull her on to the floor, whatever you have to do, get her on the floor laying on her back.

MAASS: Okay, okay I will.

OPERATOR: Put me on speakerphone and I'll give you instructions.

. . . .

OPERATOR: Did you get her onto the floor?

MAASS: Yes, she's on the floor.

OPERATOR: Okay, I need you to kneel next to her, I know you hear the sirens, but I need you to keep going, okay? You're going to kneel next to her side, okay? Did you see her go down or did you just wake up and she didn't respond?

MAASS: No, I just woke up and she's like not responsive.

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. . . .

OPERATOR:	Have you ever done CPR?
MAASS:	No, no, the ambulance is already here, I don't want to touch her.
OPERATOR:	Okay, I understand, I understand. But let's try. I need you to give her 30 compressions, can you kneel by her side.
MAASS:	No I can't, they're already here, I can't do this, I'm sorry I can't do this.
OPERATOR:	Alright I understand, I understand, you need to go unlock your front door though. Go unlock your front door okay, and let me know when they're in the room with you.
FIREFIGHTER:	Ma'am, can you open the gates for the deputies?
OPERATOR 1:	Ma'am, can you open the gates?

The paramedics entered the apartment and found KIMBERLY laying on the floor unresponsive. She was half-naked with her jeans unzipped and unbuttoned, as though someone had tried to pull her jeans on to her body before the police or paramedics arrived. Her bra was twisted and her lips were blue. She was also not wearing any underwear despite the fact that she had been going through her menstrual cycle that day and the evening before.

28. MAASS later stated that MERRIMAN had been in the room when MAASS made the 911 call. In fact, MAASS claimed that MERRIMAN was the one to move KIMBERLY's body to the floor, even though no other voices or noises are heard during the 911 call – not even a thump which might be indicative of MAASS pulling KIMBERLY's body from the couch to the floor (since MAASS claimed she found her on the couch).

MAASS also stated that after moving KIMBERLY to the floor, MERRIMAN stated that he was very concerned about the media attention the incident might create since he was a celebrity, so he told MAASS he had to leave. Somehow, under MAASS' version of events, MERRIMAN escaped without being seen between the time the 911 call started and the time the paramedics arrived.

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29. Later that evening, after the paramedics and police had left, MAASS contacted MERRIMAN and met up with him. On July 21, 2017, at 5:19 p.m., MERRIMAN confirmed the rendezvous with MAASS in text messages with WEHBE as follows:

WEHBE:	Who's with u
MERRIMAN:	She is
WEHBE:	Who
	Victoria?
MERRIMAN:	Yes
WEHBE:	Wtf

"Victoria" or "Victoria Lane" are alternative names that MAASS assumed in Hollywood and on social media. This meeting was also confirmed later when MAASS spoke to the police again. However, her statements to the 911 operator, the police at the scene, and after meeting up with MERRIMAN, are all in conflict and differ in many respects.

Attached as ***Exhibit "E"*** **to this Complaint** are screenshots of the text messages sent between WEHBE and MERRIMAN with certain private contact info removed due to public record.

30. An autopsy was performed on KIMBERLY's body approximately 41 hours after the paramedics had arrived. However, since the coroner had already been given a preliminary investigator's case report, which indicated that no foul play was suspected, the autopsy did not include a variety of tests or other evidence gathering.

For example, the coroner did *not* take any x-rays of KIMBERLY's body and did *not* take any photographs of her body. Although the coroner noted that there were multiple contusions (i.e. bruises) scattered across KIMBERLY'S legs and feet and attempted to diagram them, the coroner did not take any photographs of any of the bruises. Additionally, a sexual assault test was not conducted. Later, after the autopsy was complete, the detective requested a sexual assault test to be conducted in light of

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additional information he had received. However, since the autopsy had already taken place, the coroner informed the detective that a sexual assault exam could no longer be done.

31. The autopsy did reveal that KIMBERLY was in spectacular health with the exception of the drugs that were detected in her system by the autopsy. There was alcohol, cocaine, and GHB found in her blood. Although the autopsy was completed two days after KIMBERLY's death, it is not uncommon to still be able to detect alcohol and cocaine in the blood. In contrast, GHB is a preferred date rape drug, because of its quick disappearance from the urine and blood. Yet, in KIMBERLY's blood – which was two days old – the Gas Chromatography/Mass Spectrometry testing found 150 mcg/mL, which on its own can put someone to sleep. This elevated level demonstrates how much KIMBERLY was drugged with, which led to her death.

32. On the day that the autopsy was completed, July 23, 2017, but before it was released, WEHBE communicated with a friend in his network, who was familiar with both KIMBERLY and MERRIMAN. In the text exchange, they wrote:

WEHBE:	Keep what we spoke about between us please
FRIEND:	Ok, did they get the autopsy report?
WEHBE:	Not sure yet, homicide department wants to talk with me but gonna let my attorney handle it
FRIEND:	Yea, good call on that
	Usually never a good idea to talk to cops
WEHBE:	Yup that's exactly what my cop buddy just told me lol
FRIEND:	I'm a cop too
	So 2 cops haha
	[2 Crying Smiley Face Emojis]

. . . . .

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Five months later, the friend received a text about findings from the autopsy report and forwarded a copy to WEHBE with the following comments:

FRIEND:	That's fucked up bro
	Shawn killed her ass, what a fucking idiot
	That dumb ass been drugging girls for years

Attached as ***Exhibit "F"*** **to this Complaint** are screenshots of the text messages sent between WEHBE and his FRIEND with certain private contact info removed due to public record.

33. On July 29, 2017, WEHBE exchanged texts with CASTRO, concerning what to do now that KIMBERLY was dead. They wrote:

WEHBE:	Yo.
	Why haven't u met with steve
CASTRO:	My pops wants me to meet with an attorney of his next week. I'll keep you posted.
WEHBE:	Ok, make sure he contacts my guy after
CASTRO:	Gotchu
WEHBE:	And we all connected
CASTRO:	Fasho
WEHBE:	Let that guy know would be good
	That ur using diff guy
	They asked me now
CASTRO:	Cool, ill let him know.

Attached as ***Exhibit "G"*** **to this Complaint** are screenshots of the text messages sent between WEHBE and his FRIEND with certain private contact info removed due to public record.

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FIRST CAUSE OF ACTION – BATTERY

(By Plaintiffs Against Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive)

34. Plaintiffs re-allege, and incorporate by reference herein, each and every allegation contained in this Complaint for Wrongful Death.

35. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, explicitly or impliedly conspired with any and all other defendants to commit the tort of this cause of action with any requisite plan and intent to establish said conspiracy. Said conspiracy may be inferred from circumstances, including the nature of the acts done, the relationships between the parties, and the interests of the alleged coconspirators, as the Plaintiffs are not required to prove that each defendant personally committed a wrongful act or that he/she/it knew of all the details of the agreement or the identities of all the other participants. Based on said conspiracy, each conspiring defendant is responsible for the harm caused as a result of any such tort in which the defendant conspired.

36. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, knew, or should have known, that KIMBERLY did not consent to be drugged, bruised, touched, dragged, or otherwise physically contacted by the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, without consenting to any such contact.

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37. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, knew, or should have known, that KIMBERLY did not consent to be drugged, bruised, touched, dragged, or otherwise physically contacted by the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, in any way after she lost control of her ability to give knowing and voluntary consent to any such contact.

38. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, knew, or should have known, that KIMBERLY did not consent to having certain drugs put in her drink or otherwise consumed by her, either due to her inability to consent or due to such drugs being administered to her over her objection.

39. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, knew, or should have known, that KIMBERLY did not consent to being physically contacted in any manner once she was drugged or lost her ability to give voluntary consent.

40. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, engaged in harmful and offensive contact of KIMBERLY, which she did not consent to receiving. Said contact is intended to include, but not be limited to, physical touching of intimate and non-intimate body parts.

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41. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, engaged in the foregoing conduct intentionally.

42. Plaintiffs are informed and believe, and upon such information and belief allege, that as a direct and proximate result of the non-consensual contact of KIMBERLY by the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, KIMBERLY suffered harm that contributed, led and caused her death.

43. As a direct and proximate result of KIMBERLY's death, the Plaintiffs suffered the loss of their daughter's love, society, comfort, attention, services, and support. These losses are damages for which the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, are liable and which pursuant to California law shall be subject to proof at the time of trial regarding the extent of those damages.

SECOND CAUSE OF ACTION – DRUG DEALER LIABILITY ACT

(Health and Safety Code § 11700)

(By Plaintiffs Against Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive)

44. Plaintiffs re-allege, and incorporate by reference herein, each and every allegation contained in this Complaint for Wrongful Death.

45. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK,

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THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, explicitly or impliedly conspired with any and all other defendants to commit the tort of this cause of action with any requisite plan and intent to establish said conspiracy. Said conspiracy may be inferred from circumstances, including the nature of the acts done, the relationships between the parties, and the interests of the alleged coconspirators, as the Plaintiffs are not required to prove that each defendant personally committed a wrongful act or that he/she/it knew of all the details of the agreement or the identities of all the other participants. Based on said conspiracy, each conspiring defendant is responsible for the harm caused as a result of any such tort in which the defendant conspired.

46. Pursuant to Health and Safety Code § 11705, the Plaintiffs, as parents of KIMBERLY, have standing to bring this cause of action under Health and Safety Code § 11700 – the Drug Dealer Liability Act – against Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them.

47. According to Los Angeles magazine, "the two fundamentals of nightclub longevity" are packing the nightclub with "A-list celebrities and attractive women".[1] In order to meet these needs, nightclubs do not just rely on building a beautiful venue and providing quality customer service, because "just because you build it doesn't mean A-list customers will come."[2] You need "a squad of canny promoters wielding Rolodexes filled with celebrity contacts." You need guests like MERRIMAN and women like KIMBERLY, which promoters like WEHBE procure.

48. Pursuant to Health and Safety Code § 11704, Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, knowingly participated in the marketing of illegal

[1] Los Angeles Magazine (March 1, 2006) "Life of the Party" by Dave Gardetta.
[2] Forbes (August 24, 2006) "Nightclub business: More ego trip than profit?" by Lacey Rose.

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controlled substances, including, but not limited to, cocaine and GHB, either for the personal or commercial reasons.

49. Pursuant to Health and Safety Code § 11704, Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, proximately caused the death of KIMBERLY by their direct marketing, indirect marketing, or otherwise vicarious involvement in the consumption of illegal substances by KIMBERLY on July 21, 2017.

50. As a direct and proximate result of KIMBERLY's death, the Plaintiffs suffered the loss of their daughter's love, society, comfort, attention, services, and support. These losses are damages for which the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, are liable and which pursuant to California law shall be subject to proof at the time of trial regarding the extent of those damages.

THIRD CAUSE OF ACTION – NEGLIGENCE

(By Plaintiffs Against Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive)

51. Plaintiffs re-allege, and incorporate by reference herein, each and every allegation contained in this Complaint for Wrongful Death.

52. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, explicitly or impliedly conspired with any and all other defendants to commit the tort of this cause of

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action with any requisite plan and intent to establish said conspiracy. Said conspiracy may be inferred from circumstances, including the nature of the acts done, the relationships between the parties, and the interests of the alleged coconspirators, as the Plaintiffs are not required to prove that each defendant personally committed a wrongful act or that he/she/it knew of all the details of the agreement or the identities of all the other participants. Based on said conspiracy, each conspiring defendant is responsible for the harm caused as a result of any such tort in which the defendant conspired.

53. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, negligently, carelessly, recklessly, and wantonly caused the death of KIMBERLY.

54. Plaintiffs are informed and believe, and upon such information and belief allege, that at all times relevant to this action, the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, negligently performed or negligently failed to use CPR, timely contact paramedics, or otherwise take any appropriate action to save KIMBERLY's life, even though the Defendants, and each of them, had a special relationship and duty to take such action.

55. As a direct and proximate result of KIMBERLY's death, the Plaintiffs suffered the loss of their daughter's love, society, comfort, attention, services, and support. These losses are damages for which the Defendants, MERRIMAN, MAASS, WEHBE, THE WARWICK, THE HIGHLIGHT ROOM, CASTRO, and DOES 1 through 50, inclusive, and each of them, are liable and which pursuant to California law shall be subject to proof at the time of trial regarding the extent of those damages.

/ / /

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, and each of them, pray for judgment against the Defendants, and each of them, as follows:

ON THE FIRST CAUSE OF ACTION

A. For general damages in a sum according to proof;

B. For damages due to the loss of the relationship, love, companionship, affection, society, and solace of Kimberly Fattorini;

C. For punitive damages based on malice, oppression, and wantonly reckless and despicable conduct in causing the death of Kimberly Fattorini; and,

D. For costs of suit, interest, and any further relief as the court deems proper.

ON THE SECOND CAUSE OF ACTION

A. For general damages in a sum according to proof;

B. For damages due to the loss of the relationship, love, companionship, affection, society, and solace of Kimberly Fattorini;

C. For punitive damages based on malice, oppression, and wantonly reckless and despicable conduct in causing the death of Kimberly Fattorini; and,

D. For costs of suit, interest, and any further relief as the court deems proper.

ON THE THIRD CAUSE OF ACTION

A. For general damages in a sum according to proof;

B. For damages due to the loss of the relationship, love, companionship, affection, society, and solace of Kimberly Fattorini;

C. For punitive damages based on malice, oppression, and wantonly reckless and despicable conduct in causing the death of Kimberly Fattorini; and,

D. For costs of suit, interest, and any further relief as the court deems proper.

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DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury on all causes of action.

DATED: July 19, 2019

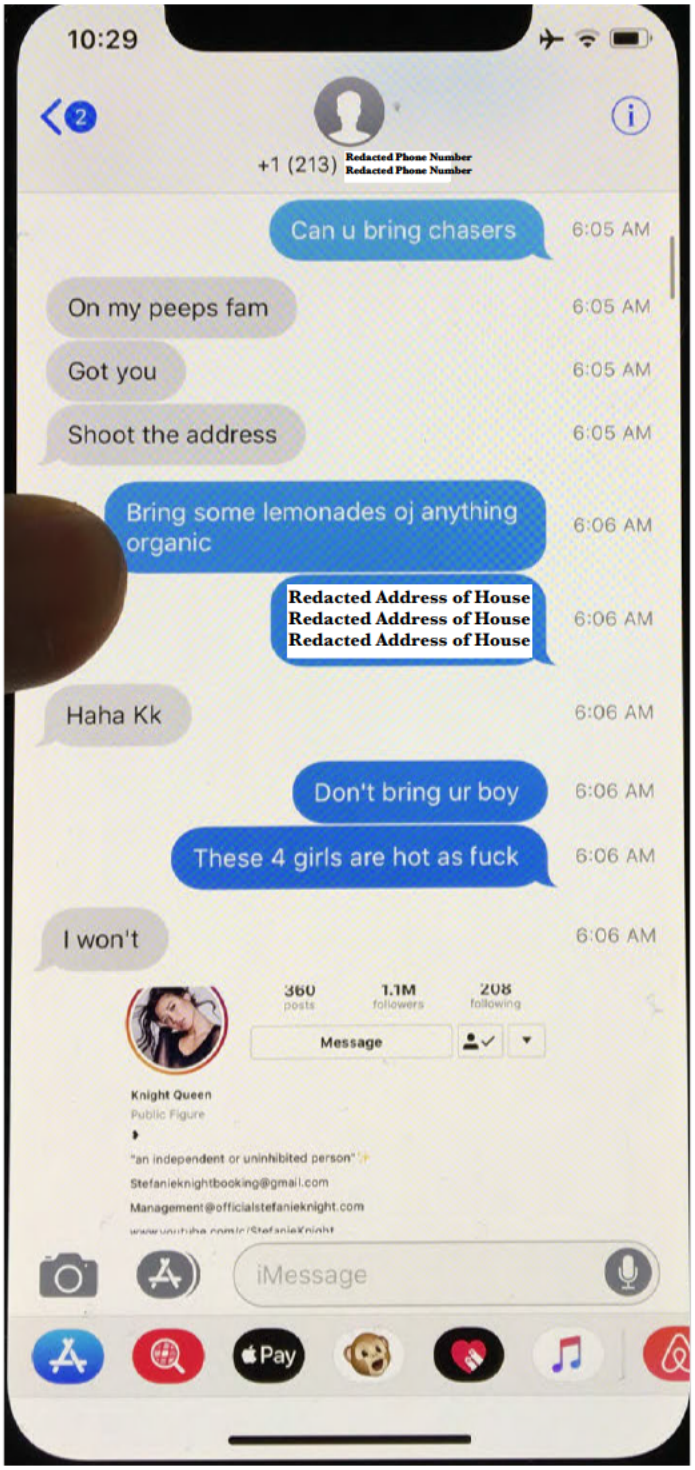
LARI-JONI & BASSELL, LLP

By: _____

TORSTEN M. BASSELL
Attorneys for the Plaintiffs

Lari-Joni & Bassell, LLP
12400 Wilshire Boulevard, Suite 1460, Los Angeles, CA 90025

Exhibit "A"


10:29
2
+1 (213) Redacted Phone Number
Redacted Phone Number
Can u bring chasers
6:05 AM
On my peeps fam
6:05 AM
Got you
6:05 AM
Shoot the address
6:05 AM
Bring some lemonades oj anything organic
6:06 AM
Redacted Address of House
Redacted Address of House
Redacted Address of House
6:06 AM
Haha Kk
6:06 AM
Don't bring ur boy
6:06 AM
These 4 girls are hot as fuck
6:06 AM
I won't
6:06 AM
360 posts
1.1M followers
208 following
Message
Knight Queen
Public Figure
"an independent or uninhibited person"
Stefanieknightbooking@gmail.com
Management@officialstefanieknight.com
iMessage
Pay

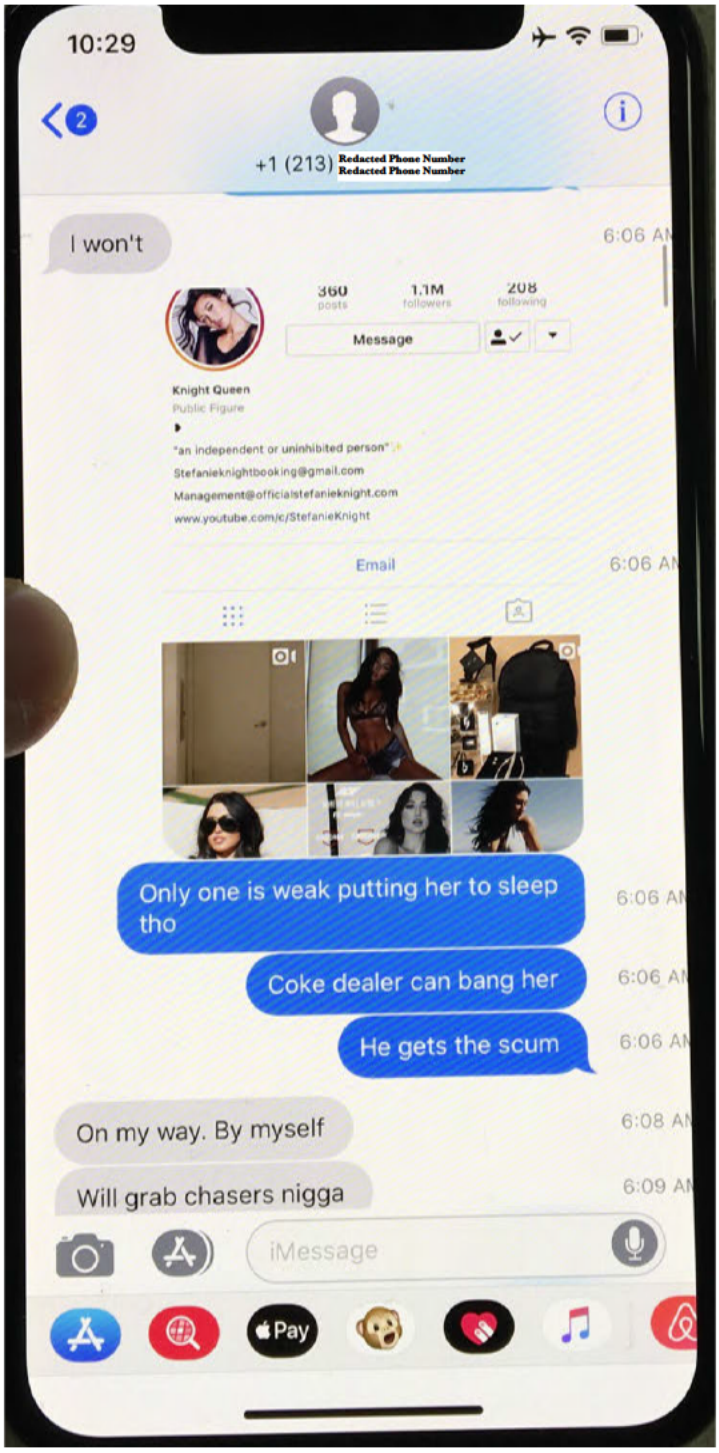
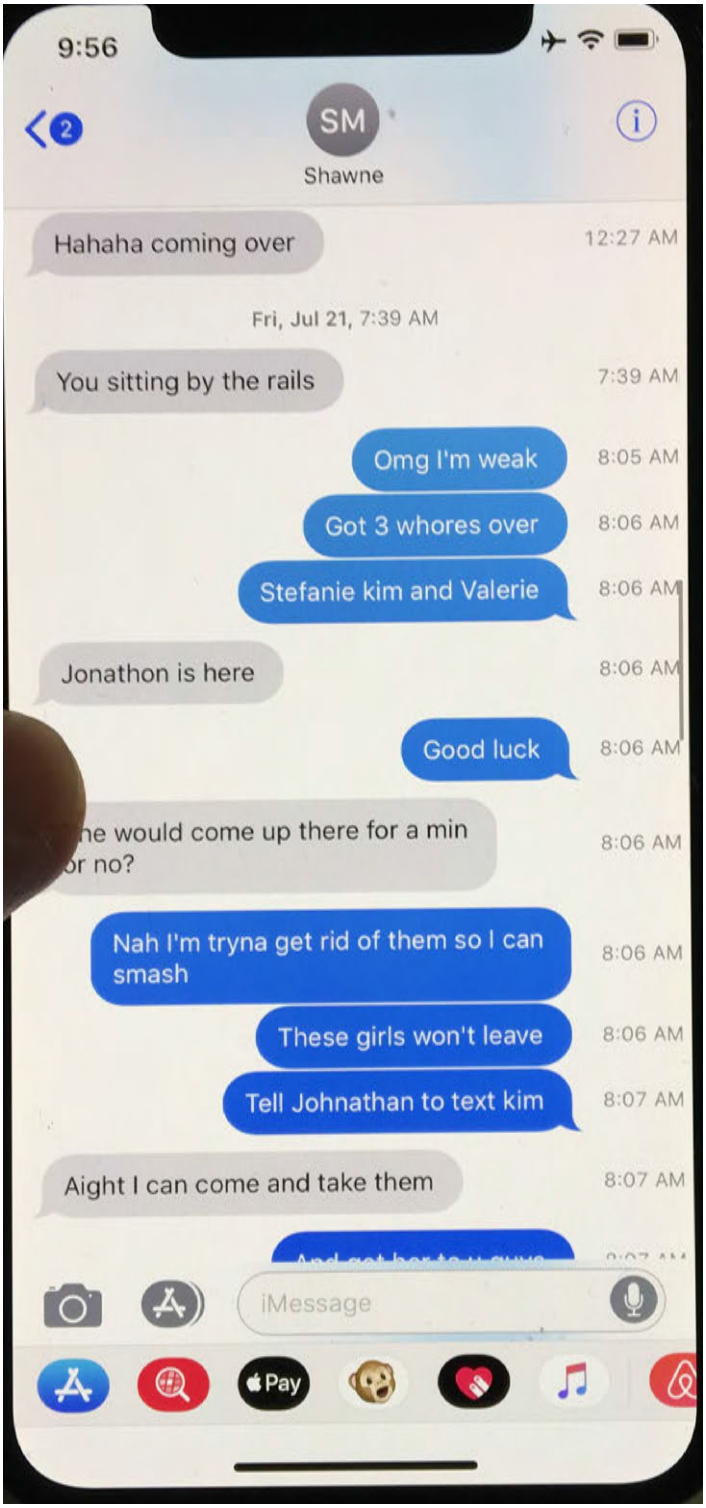
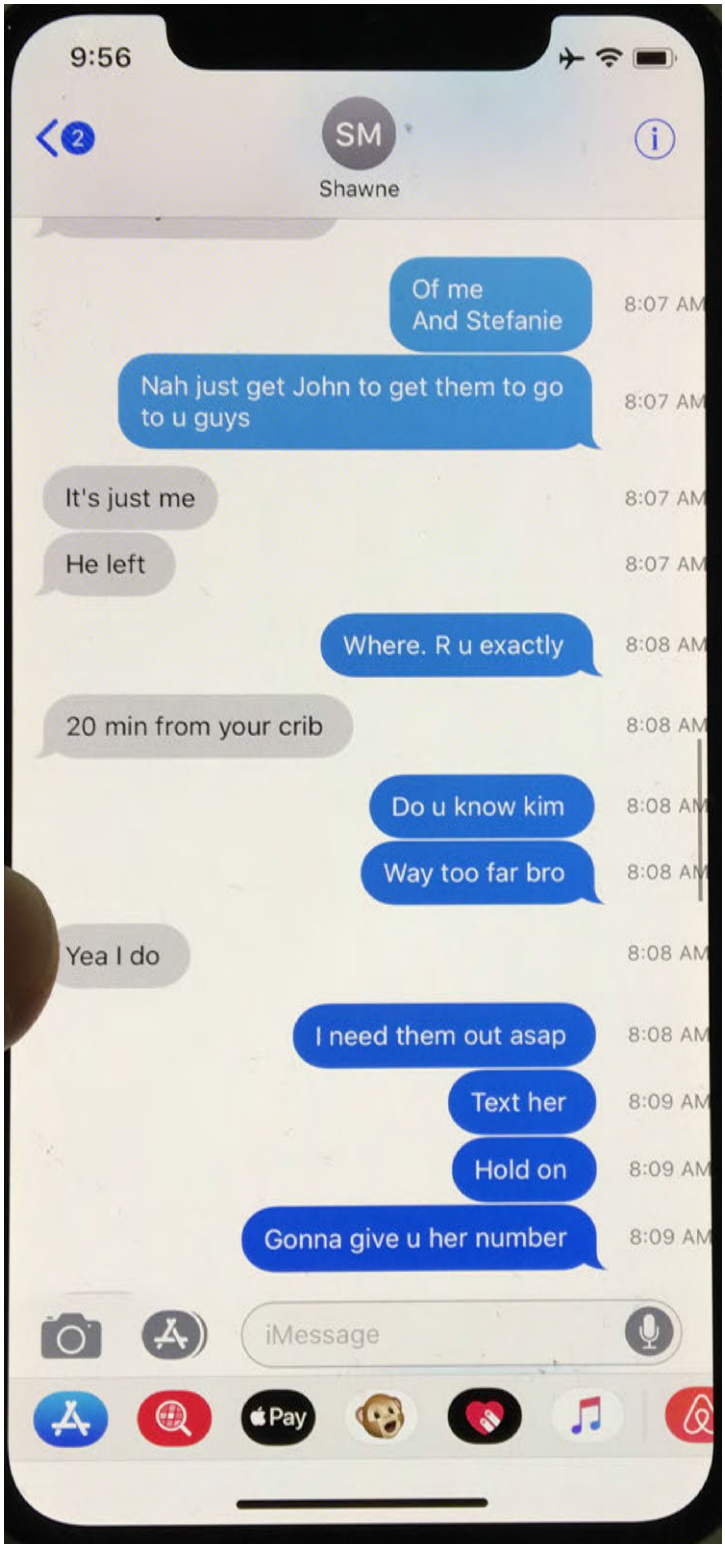

10:29
2
+1 (213) Redacted Phone Number
Redacted Phone Number
I won't
6:06 AM
360 posts
1.1M followers
208 following
Message
Knight Queen
Public Figure
"an independent or uninhibited person"
Stefanieknightbooking@gmail.com
Management@officialstefanieknight.com
www.youtube.com/c/StefanieKnight
Email
6:06 AM
Only one is weak putting her to sleep tho
6:06 AM
Coke dealer can bang her
6:06 AM
He gets the scum
6:06 AM
On my way. By myself
6:08 AM
Will grab chasers nigga
6:09 AM
iMessage
Pay

Exhibit "B"


9:56
2
SM
Shawne
Hahaha coming over
12:27 AM
Fri, Jul 21, 7:39 AM
You sitting by the rails
7:39 AM
Omg I'm weak
8:05 AM
Got 3 whores over
8:06 AM
Stefanie kim and Valerie
8:06 AM
Jonathon is here
8:06 AM
Good luck
8:06 AM
he would come up there for a min
or no?
8:06 AM
Nah I'm tryna get rid of them so I can smash
8:06 AM
These girls won't leave
8:06 AM
Tell Johnathan to text kim
8:07 AM
Aight I can come and take them
8:07 AM
iMessage
Pay


9:56
2
SM
Shawne
Of me
And Stefanie
8:07 AM
Nah just get John to get them to go to u guys
8:07 AM
It's just me
8:07 AM
He left
8:07 AM
Where. R u exactly
8:08 AM
20 min from your crib
8:08 AM
Do u know kim
8:08 AM
Way too far bro
8:08 AM
Yea I do
8:08 AM
I need them out asap
8:08 AM
Text her
8:09 AM
Hold on
8:09 AM
Gonna give u her number
8:09 AM
iMessage
Pay

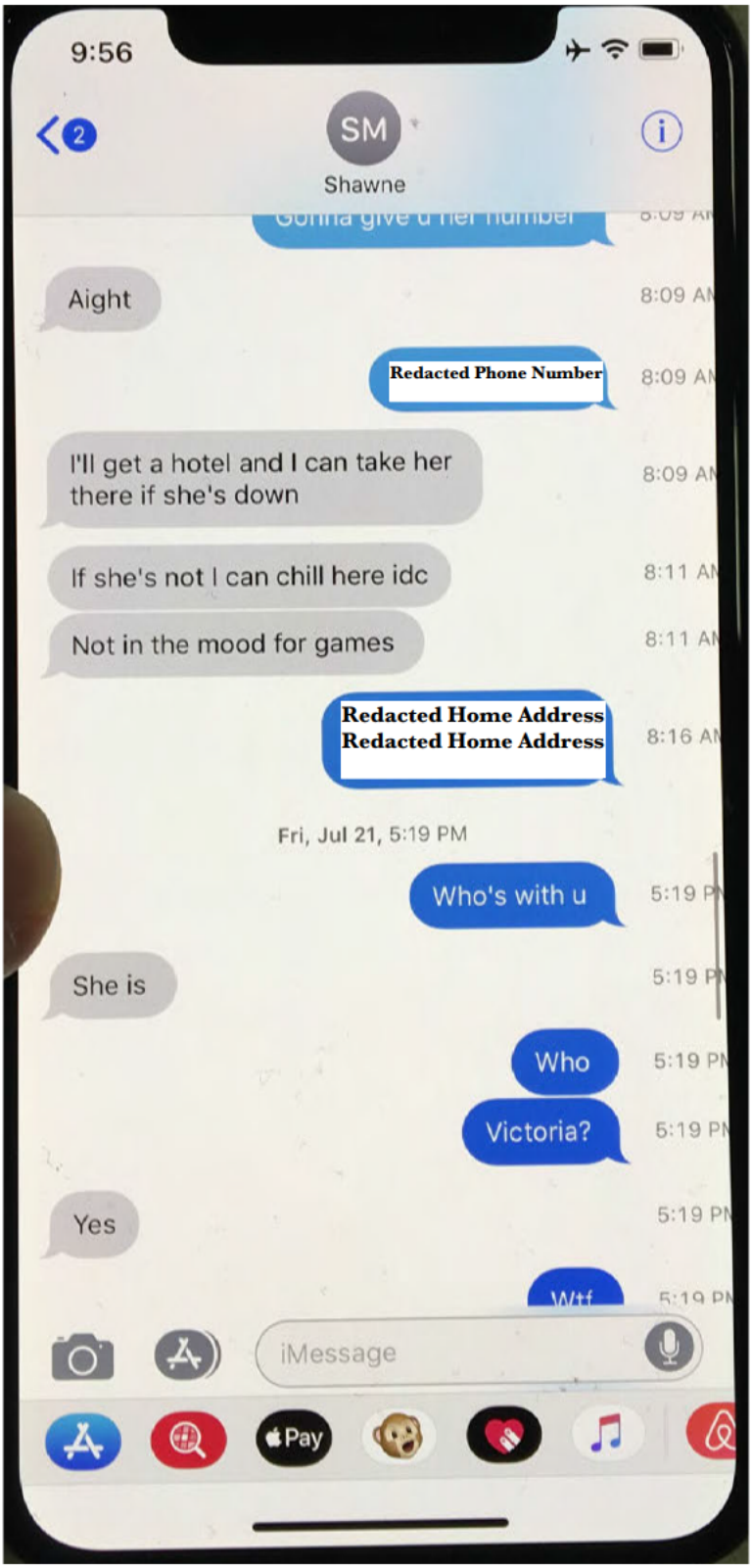

9:56
2
SM
Shawne
Aight
8:09 AM
Redacted Phone Number
8:09 AM
I'll get a hotel and I can take her there if she's down
8:09 AM
If she's not I can chill here idc
8:11 AM
Not in the mood for games
8:11 AM
Redacted Home Address
Redacted Home Address
8:16 AM
Fri, Jul 21, 5:19 PM
Who's with u
5:19 PM
She is
5:19 PM
Who
5:19 PM
Victoria?
5:19 PM
Yes
5:19 PM
iMessage
Pay

Exhibit "C"

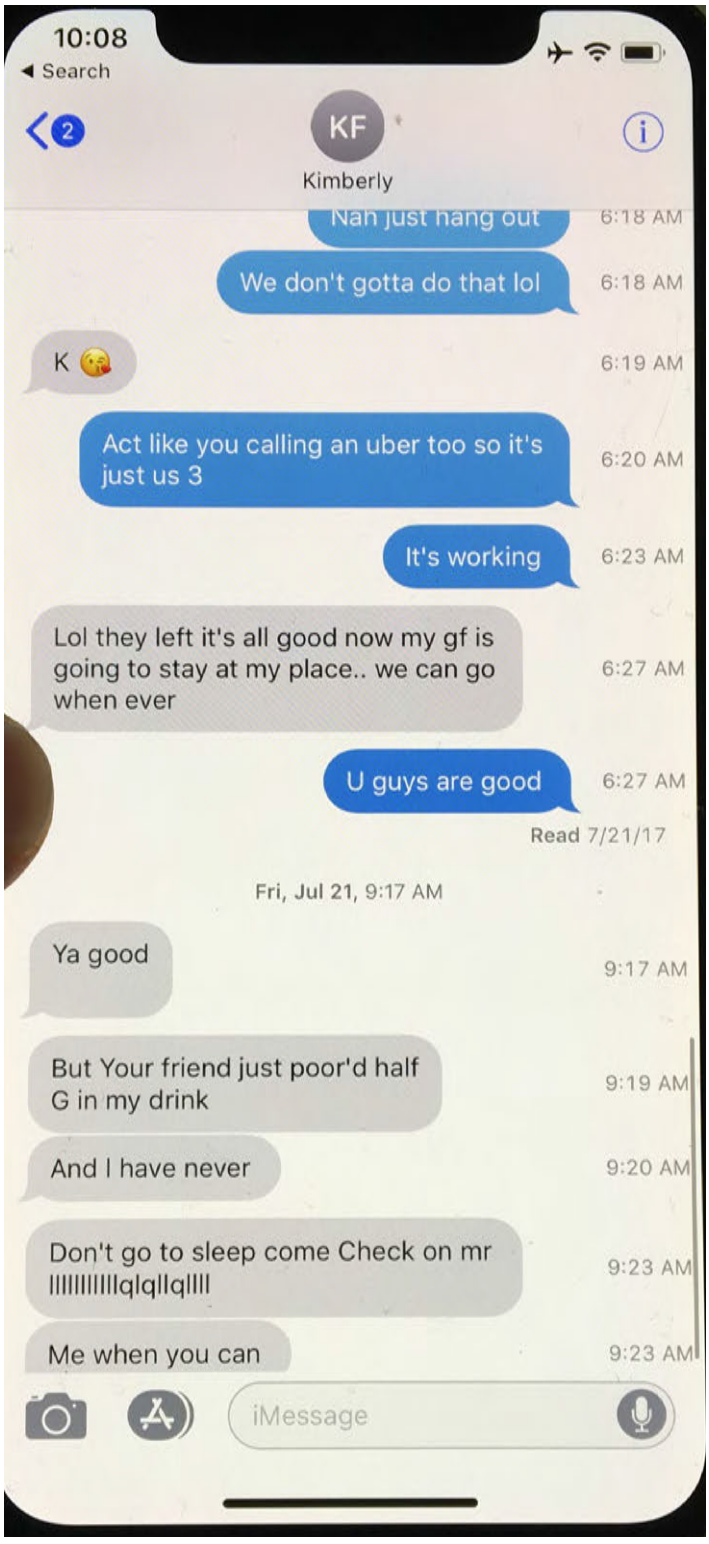
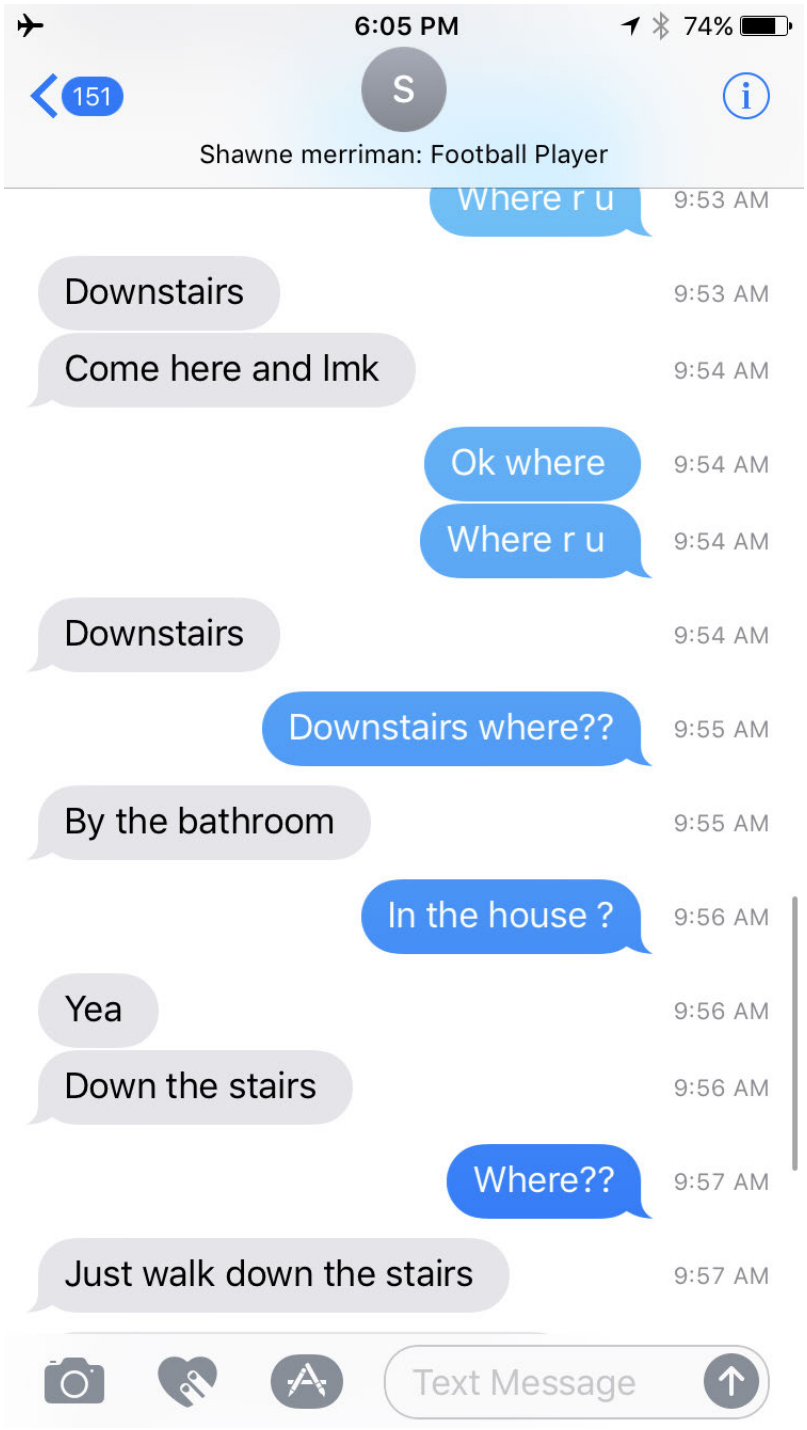

10:08
Search
2
KF
Kimberly
Nah just hang out
6:18 AM
We don't gotta do that lol
6:18 AM
K
6:19 AM
Act like you calling an uber too so it's just us 3
6:20 AM
It's working
6:23 AM
Lol they left it's all good now my gf is going to stay at my place.. we can go when ever
6:27 AM
U guys are good
6:27 AM
Read 7/21/17
Fri, Jul 21, 9:17 AM
Ya good
9:17 AM
But Your friend just poor'd half G in my drink
9:19 AM
And I have never
9:20 AM
Don't go to sleep come Check on mr lllllllllllqlqllqllll
9:23 AM
Me when you can
9:23 AM
iMessage

Exhibit "D"


6:05 PM
74%
151
S
Shawne merriman: Football Player
I'll call a car
9:34 AM
What's your address
9:34 AM
Did you Leave?
9:47 AM
Nah
9:47 AM
But let's go
9:47 AM
What's your address so I can call a car
9:48 AM
Where are at my girl Wants To go but we p
9:50 AM
She don't want to stay with him?
9:51 AM
No dgtvr nnmmmmmmmmo
9:51 AM
Either way is cool what's your address I'll call a car for us
9:52 AM
What's ur address
9:53 AM
Text Message


6:05 PM
74%
151
S
Shawne merriman: Football Player
Where r u
9:53 AM
Downstairs
9:53 AM
Come here and lmk
9:54 AM
Ok where
9:54 AM
Where r u
9:54 AM
Downstairs
9:54 AM
Downstairs where??
9:55 AM
By the bathroom
9:55 AM
In the house ?
9:56 AM
Yea
9:56 AM
Down the stairs
9:56 AM
Where??
9:57 AM
Just walk down the stairs
9:57 AM
Text Message


6:06 PM
74%
151
S
Shawne merriman: Football Player
Just tell me what you want to do
10:09 AM
Should I come with you
10:09 AM
To your place
10:09 AM
Eli isn't coming
10:09 AM
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
10:14 AM
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
Redacted Screenshot of Location
Delivered
Text Message

Exhibit "E"

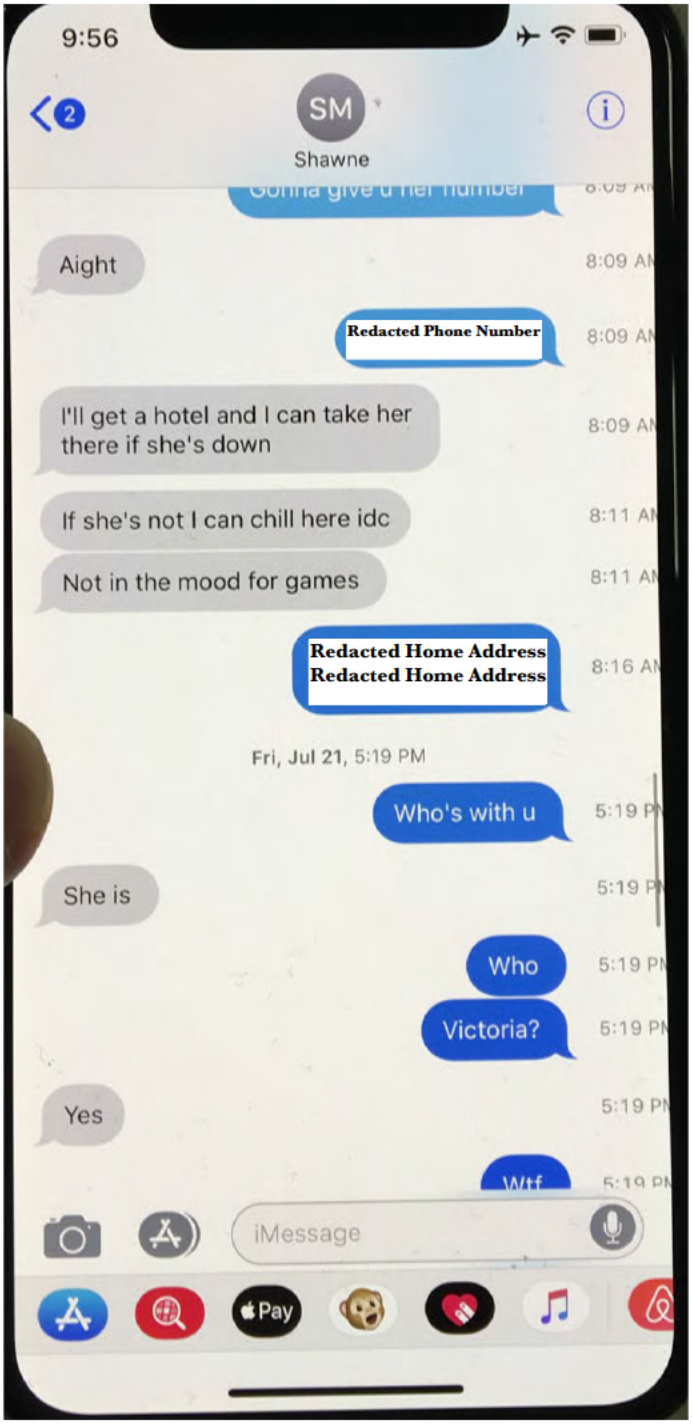
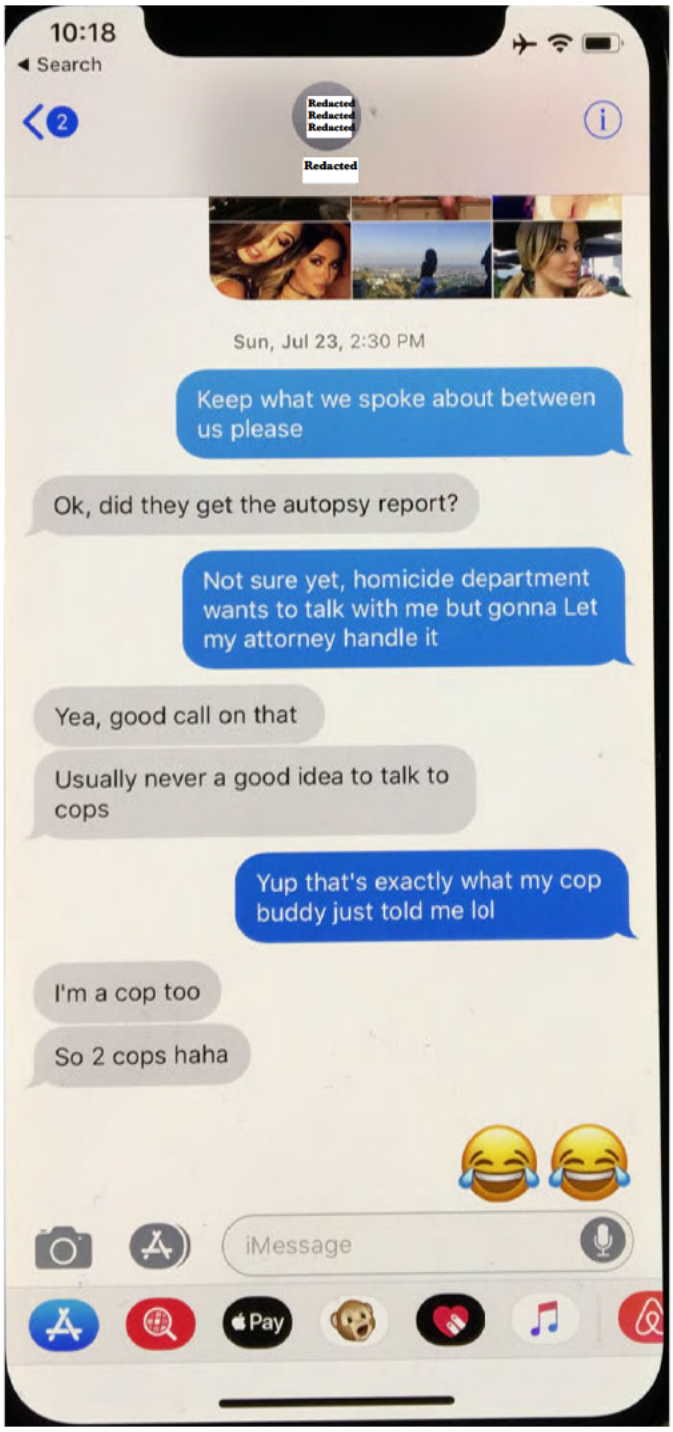

9:56
SM
Shawne
Aight
8:09 AM
Redacted Phone Number
8:09 AM
I'll get a hotel and I can take her there if she's down
8:09 AM
If she's not I can chill here idc
8:11 AM
Not in the mood for games
8:11 AM
Redacted Home Address
Redacted Home Address
8:16 AM
Fri, Jul 21, 5:19 PM
Who's with u
5:19 PM
She is
5:19 PM
Who
5:19 PM
Victoria?
5:19 PM
Yes
5:19 PM
iMessage
Pay

Exhibit "F"


10:18
Search
2
Redacted
Redacted
Redacted
Redacted
Sun, Jul 23, 2:30 PM
Keep what we spoke about between us please
Ok, did they get the autopsy report?
Not sure yet, homicide department wants to talk with me but gonna Let my attorney handle it
Yea, good call on that
Usually never a good idea to talk to cops
Yup that's exactly what my cop buddy just told me lol
I'm a cop too
So 2 cops haha
iMessage
Pay

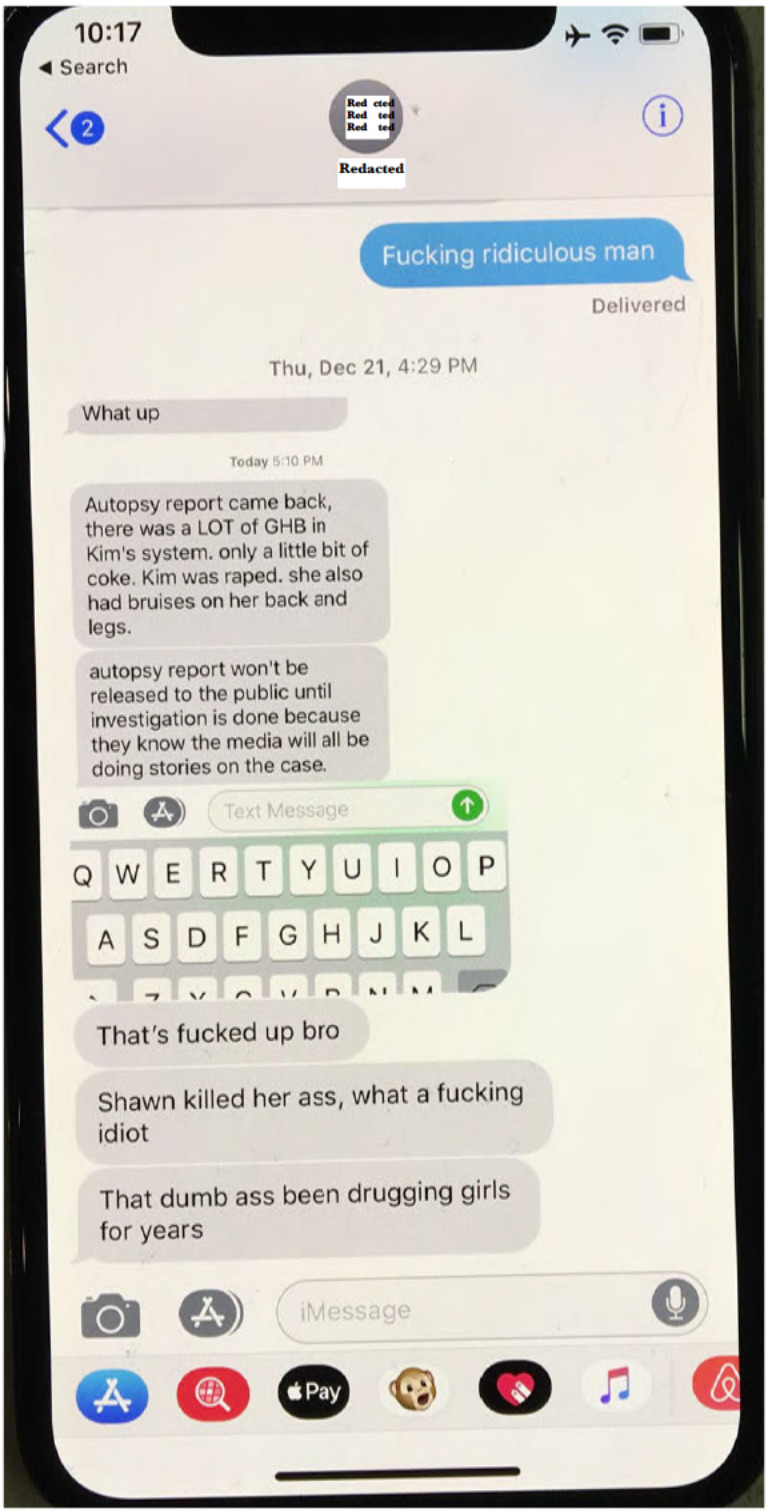
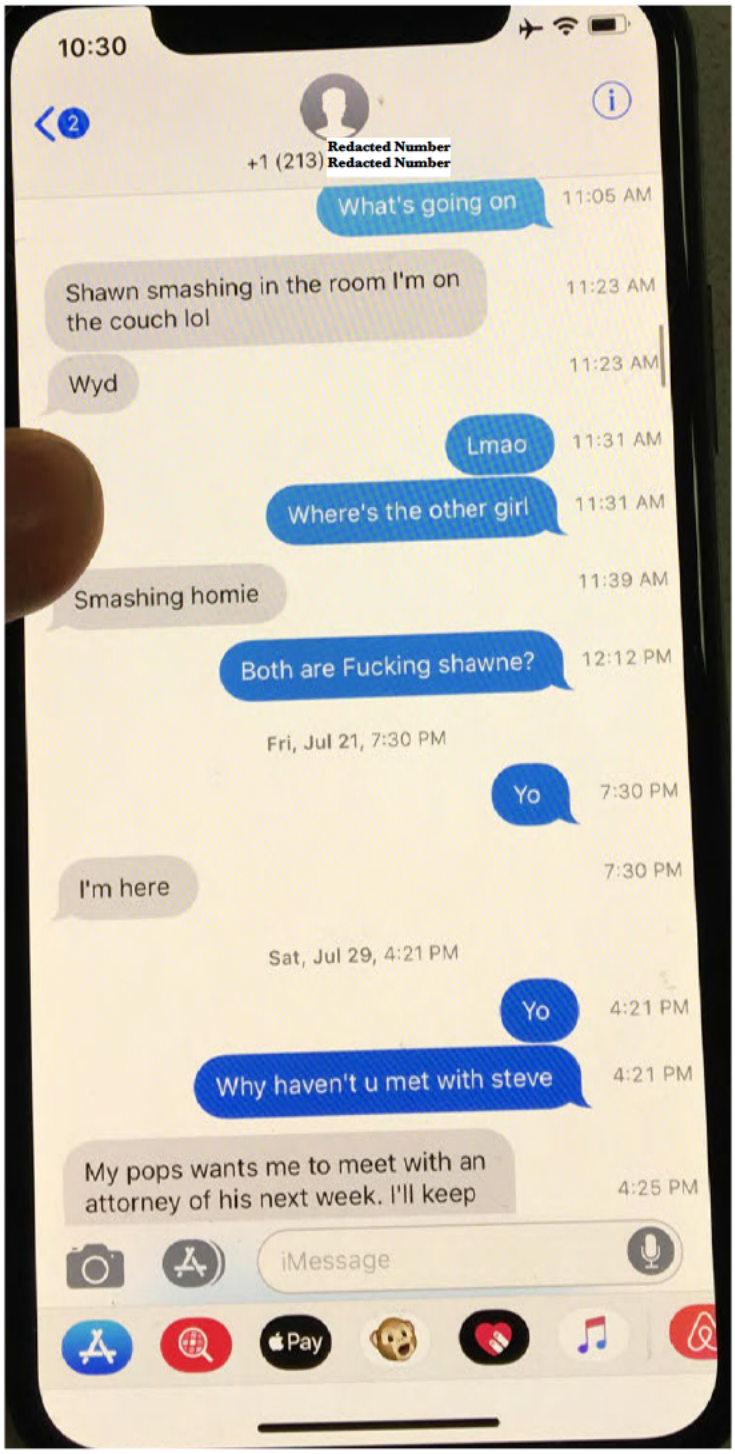
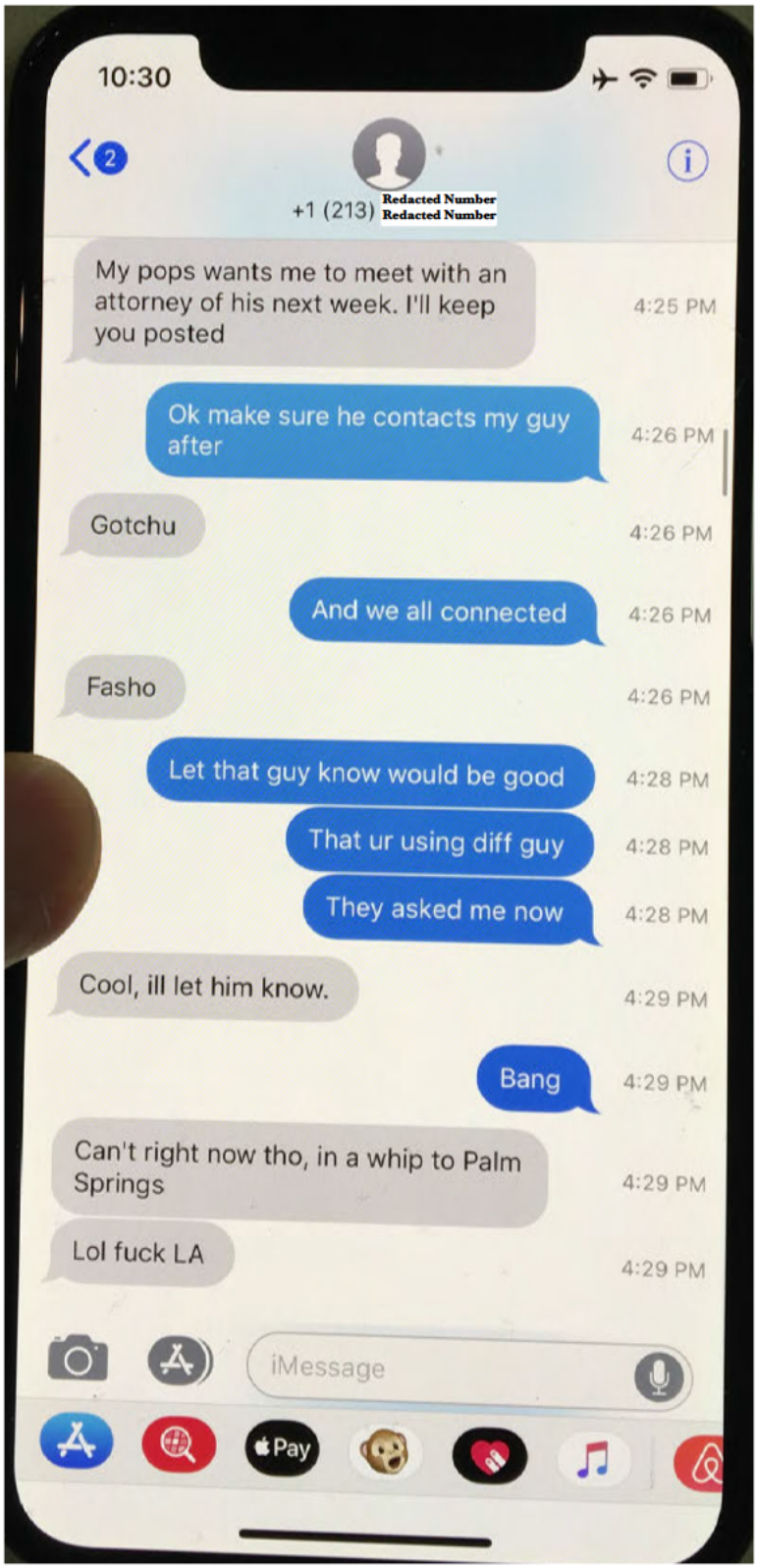

10:17
Search
2
Redacted
Fucking ridiculous man
Delivered
Thu, Dec 21, 4:29 PM
What up
Today 5:10 PM
Autopsy report came back, there was a LOT of GHB in Kim's system. only a little bit of coke. Kim was raped. she also had bruises on her back and legs.
autopsy report won't be released to the public until investigation is done because they know the media will all be doing stories on the case.
Text Message
That's fucked up bro
Shawn killed her ass, what a fucking idiot
That dumb ass been drugging girls for years
iMessage

Exhibit "G"


10:30
2
+1 (213) Redacted Number Redacted Number
What's going on
11:05 AM
Shawn smashing in the room I'm on the couch lol
11:23 AM
Wyd
11:23 AM
Lmao
11:31 AM
Where's the other girl
11:31 AM
Smashing homie
11:39 AM
Both are Fucking shawne?
12:12 PM
Fri, Jul 21, 7:30 PM
Yo
7:30 PM
I'm here
7:30 PM
Sat, Jul 29, 4:21 PM
Yo
4:21 PM
Why haven't u met with steve
4:21 PM
My pops wants me to meet with an attorney of his next week. I'll keep
4:25 PM
iMessage
Pay


10:30
2
+1 (213) Redacted Number Redacted Number
My pops wants me to meet with an attorney of his next week. I'll keep you posted
4:25 PM
Ok make sure he contacts my guy after
4:26 PM
Gotchu
4:26 PM
And we all connected
4:26 PM
Fasho
4:26 PM
Let that guy know would be good
4:28 PM
That ur using diff guy
4:28 PM
They asked me now
4:28 PM
Cool, ill let him know.
4:29 PM
Bang
4:29 PM
Can't right now tho, in a whip to Palm Springs
4:29 PM
Lol fuck LA
4:29 PM
iMessage
Pay