

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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LAUREN SINGER HARPER,

Index No.

Filed On:

-against-

Plaintiff Designates
KINGS COUNTY
As the place of trial

TIBERNIA PRODUCTIONS, INC.;
LSTAR CAPITAL, INC.;
MATT TOLMACH PRODUCTIONS;
PAULILU PRODUCTIONS, INC.;
SONY PICTURES ENTERTAINMENT INC.;
STUNT DEPT, INC.;
CHRIS BARNES;
RILEY BARNES; and
and George Aguilar.

The Venue Basis is:

Place of Occurrence

Summons

Plaintiff resides at:
Ingram Court,
Hillsborough, NC 27278

Defendants.

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To The Above Named Defendants:

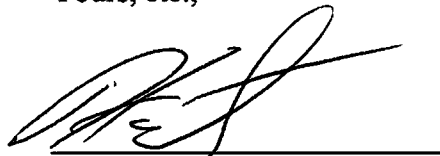
You Are Hereby Summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff(s) Attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Brooklyn, New York
August 20, 2018

Yours, etc.,

Defendant(s) Addresses:

* See Attached Sheet



Harlan Wittenstein, Esq.
Wittenstein & Associates, P.C.

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PRO HAC VICE PENDING

- 1) Tibernia Productions (Serve NY Secy of State)
15 Washington Avenue, Suite 2640
Brooklyn, NY 11205
- 2) LStar Capital
2711 N. Haskell Avenue, Ste. 1800
Dallas, Texas 75204
- 3) Matt Tolmach Productions
16255 Ventura Blvd Ste 525
Encino, CA 91436-2302
- 4) Paulilu Productions
16133 Ventura Blvd Ste 545
Encino, CA 91436-2411
- 5) Sony Pictures Entertainment (Serve NY Secy of State)
10202 W. Washington Blvd.
Culver City, CA 90232
- 6) Stunt Dept., Inc. (Serve Chris Barnes at same address)
221 Dogwood Lane
Manhasset, NY 11030
- 7) Chris Barnes
221 Dogwood Lane
Manhasset, NY 11030
- 8) Riley Barnes
221 Dogwood Lane
Manhasset, NY 11030
- 9) George Aguilar
633 W 171st Apt. 51
New York, NY 10032-3011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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LAUREN SINGER HARPER,

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-against-

TIBERNIA PRODUCTIONS, INC.;
LSTAR CAPITAL, INC.;
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PAULILU PRODUCTIONS, INC.;
SONY PICTURES ENTERTAINMENT INC.;
STUNT DEPT, INC.; CHRIS BARNES;
RILEY BARNES;
and GEORGE AGUILAR,

COMPLAINT

Defendants.

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Plaintiff, by her attorneys, Wittenstein & Associates, P.C. and Romanucci & Blandin, LLC (Pro Hac Vice Pending), complaining of the Defendants, respectfully alleges as follows, upon information and belief:

AS AND FOR GENERAL ALLEGATIONS

1. Plaintiff, LAUREN SINGER HARPER, an individual, resides on Ingram Court in Hillsborough, North Carolina.

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANTS, TIBERNIA PRODUCTIONS, INC.;
LSTAR CAPITAL, INC.; MATT TOLMACH PRODUCTIONS, INC.; PAULILU
PRODUCTIONS, INC.; SONY PICTURES ENTERTAINMENT, INC.;
STUNT DEPT, INC.; CHRIS BARNES; RILEY BARNES; and GEORGE AGUILAR**

2. Plaintiff repeats, reiterates and realleges each and every allegation contained in the General Allegations of this Complaint, with the same force and effect as though more fully set forth herein.

3. Upon information and belief, at all times hereinafter mentioned, defendant Tibernia Productions, Inc. was and still is a foreign corporation duly organized and existing under and pursuant to the laws of the State of California with its principal place of business at SONY Pictures Entertainment Inc., 10202 W. Washington Blvd, Culver City, California, 90232, and authorized to do business in the State of New York.

4. Upon information and belief, at all times hereinafter mentioned, defendant LStar Capital, Inc. was and still is a foreign corporation duly organized and existing under and pursuant to the laws of the State of Texas with its principal place of business at 2711 N. Haskell Avenue, Ste. 1800, Dallas, Texas 75204 and authorized to do business in the State of New York.

5. Upon information and belief, at all times hereinafter mentioned, defendant Matt Tolmach Productions, Inc. was and still is California corporation duly organized and existing under and pursuant to the laws of California with its principal place of business at 16255 Ventura Blvd Ste 525, Encino, CA and authorized to do business in the State of New York.

6. Upon information and belief, at all times hereinafter mentioned, defendant Paulilu Productions, Inc. was and still is a California corporation duly organized and existing under and pursuant to the laws of California with its principal place of business at 16133 Ventura Blvd Ste 545, Encino, CA and authorized to do business in the State of New York.

7. Upon information and belief, at all times hereinafter mentioned, defendant Sony Pictures Entertainment, Inc. was and still is a foreign corporation duly organized and existing under and pursuant to the laws of the State of Delaware with its principal place of business at 10202 W. Washington Blvd., Culver City, CA 90232 and authorized to do business in the State of New York.

8. Upon information and belief, at all times hereinafter mentioned, defendant Stunt

Dept., Inc. was and still is a domestic corporation duly organized and existing under and pursuant to the laws of the State of New York with its principal place of business at 221 Dogwood Lane, Manhasset, NY, 11030 and licensed to do business in the State of New York.

9. Upon information and belief, at all times hereinafter mentioned, defendant Chris Barnes was an individual residing at 221 Dogwood Lane, Manhasset, NY, 11030.

10. Upon information and belief, at all times hereinafter mentioned, defendant Riley Barnes was an individual residing at 221 Dogwood Lane, Manhasset, NY, 11030.

11. Upon information and belief, at all times hereinafter mentioned, defendant George Aguilar was an individual residing at 633 W 171st Apt. 51, New York, New York.

12. That on August 19, 2016, the plaintiff, LAUREN SINGER HARPER, was working on the set of a movie production then known as Rock That Body and eventually released under the title Rough Night.

13. That on August 19, 2016, the plaintiff, LAUREN SINGER HARPER, was on set at Sea Gate Beach, 3700 Surf Avenue, Brooklyn, New York, to participate in the performance of a stunt to be filmed and used in the movie.

14. That the aforementioned stunt required Lauren Singer Harper to crash a jet-ski into the beach, be propelled off of the jet-ski, and land on the beach.

15. That on August 19, 2016 Tibernia Productions, Inc. maintained, operated, managed, directed, supervised and/or otherwise controlled the movie production including the stunt to be performed by LAUREN SINGER HARPER.

16. That on August 19, 2016 LStar Capital, Inc. maintained, operated, managed, directed, supervised and/or otherwise controlled the movie production including the stunt to be performed by LAUREN SINGER HARPER.

17. That on August 19, 2016 Matt Tolmach Productions, Inc. maintained, operated, managed, directed, supervised and/or otherwise controlled the movie production including the stunt to be performed by LAUREN SINGER HARPER.

18. That on August 19, 2016 Paulilu Productions, Inc. maintained, operated, managed, directed, supervised and/or otherwise controlled the movie production including the stunt to be performed by LAUREN SINGER HARPER.

19. That on August 19, 2016, Sony Pictures Entertainment, Inc. maintained, operated, managed, directed, supervised and/or otherwise controlled the movie production including the stunt to be performed by LAUREN SINGER HARPER.

20. That on August 19, 2016 Stunt Dept, Inc. managed, directed, coordinated, supervised and/or otherwise controlled the stunt to be performed by LAUREN SINGER HARPER.

21. That on August 19, 2016 Chris Barnes managed, directed, coordinated, supervised and/or otherwise controlled the stunt to be performed by LAUREN SINGER HARPER.

22. That on August 19, 2016 Riley Barnes managed, directed, coordinated, supervised and/or otherwise controlled the stunt to be performed by LAUREN SINGER HARPER.

23. That on August 19, 2016 George Aguilar managed, directed, coordinated, supervised and/or otherwise controlled the stunt to be performed by LAUREN SINGER HARPER.

24. That the Defendants, Tibernia Productions, Inc.; LStar Capital, Inc.; Matt Tolmach Productions, Inc.; Paulilu Productions, Inc.; Sony Pictures Entertainment, Inc.; Stunt Dept, Inc.; Chris Barnes; Riley Barnes; George Aguilar; their agents, servants and/or employees were careless, reckless and negligent in the maintenance, operation, management, direction,

coordination, control, and/or supervision of the movie production including the stunt performance in that the defendants failed to install pads underneath the top layer of sand to minimize LAUREN SINGER HARPER's impact to ground to prevent injury; in that defendants failed to install safeguards below the surface of the sand to prevent injury; in that defendants instructed LAUREN SINGER HARPER to perform a stunt without confirming the landing spot had been properly set up; in that the defendants instructed and/or ordered LAUREN SINGER HARPER to crash the jet-ski into the beach at a speed of 28 miles per hour when the industry standard for motor vehicle impacts is to operate a motor vehicle at 18 miles per hour at moment of impact; in that defendants placed LAUREN SINGER HARPER in circumstances hazardous and/or dangerous to her; in that defendants failed to engage and have present an individual qualified by training and/or experience in the planning, setting up, and/or performance of the type of stunt involved; in that defendants failed to comply with all of LAUREN SINGER HARPER's reasonable requests and requirements for safety equipment in connection with the performance of her stunt; in that defendants failed to have present or readily available a person qualified under the circumstances to administer medical assistance on an emergency basis during a performance which had hazardous actions or work under hazardous conditions planned; in that defendants failed to call an ambulance for LAUREN SINGER HARPER after she was injured on the set; in that defendants failed to comply with Industry-wide Labor/Management Safety Committee guidelines before, during, and after the performance of Lauren Singer Harper's stunt.

25. That as a result of the foregoing contact the plaintiff, LAUREN SINGER HARPER, was seriously injured.

26. That the Defendants used the footage of LAUREN SINGER HARPER being seriously injured in the released version of Rough Night.

27. That the Defendants knew, or should have known, that operating a jet ski under the aforementioned conditions, was dangerous to the physical and mental well-being of LAUREN SINGER HARPER.

28. The defendants' actions were reckless, careless, negligent and grossly negligent and showed a gross disregard for the safety of the plaintiff.

29. As a result of the aforesaid, the plaintiff demands judgment against the defendants in amounts commensurate with the injuries and damages sustained herein, altogether with the costs and disbursements of this action, in an amount that exceeds the jurisdictional limits of all lower courts.

30. As a result of the defendants' gross negligence and reckless and wanton conduct, the plaintiff is entitled to punitive damages in amounts commensurate with the injuries and damages sustained herein, altogether with the costs and disbursements of this action, in an amount that exceeds the jurisdictional limits of all lower courts.

31. The limitations of liability set forth in CPLR Section 1601 do not apply to this action.

32. The limitations on liability set forth in CPLR Section 1601 do not apply to this action by reason of one or more of the exemptions set forth in CPLR Section 1602.

33. That this action falls within one of the exceptions of Article 16 of the C.P.L.R.

34. By reason of the foregoing, Plaintiff sustained critical, severe and serious injuries, physical and mental pain and suffering, including without limitation, cervical injuries requiring surgical intervention, a traumatic brain injury, vertigo, and other injuries. Accordingly, Plaintiff became sick, sore, lame, disabled, required hospitalization, medical care and attention; she was and remains incapacitated from her usual duties and vocation, resulting in pain, suffering,

emotional distress, lost income, all to Plaintiff's damage in an amount to be determined at the time of trial of this action.

35. The above-mentioned occurrence, and the results thereof, were caused by the joint, several and concurrent negligence of the Defendants and/or said Defendants' agents, servants, employees and/or licensees in the management, maintenance, supervision and control of the stunt performed by Plaintiff.

AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS, TIBERNIA PRODUCTIONS, INC.;
LSTAR CAPITAL, INC.; MATT TOLMACH PRODUCTIONS, INC.; PAULILU
PRODUCTIONS, INC.; SONY PICTURES ENTERTAINMENT, INC.;
STUNT DEPT, INC.; CHRIS BARNES; RILEY BARNES; and GEORGE AGUILAR

36. Plaintiff repeats, reiterates and realleges each and every allegation contained in the General Allegations AND First Cause of Action of this Complaint, with the same force and effect as though more fully set forth herein.

37. By reason of the foregoing, Plaintiff, LAUREN SINGER HARPER, was caused to suffer personal injuries, excruciating physical and mental pain, anguish and suffering including compensation and apprehension of a lifetime of being disabled and the indignities of needing others to assist her in performing her activities required for daily living and hygiene, along with the fear, contemplation and apprehension of impending a life as a disabled person and fear, contemplation, and apprehension of death as of the August 19, 2016.

38. The limitations of liability set forth in CPLR Section 1601 do not apply to this action.

39. The limitations on liability set forth in CPLR Section 1601 do not apply to this action by reason of one or more of the exemptions set forth in CPLR Section 1602.

40. By reason of the foregoing, Plaintiff sustained critical, severe and serious injuries,

physical and mental pain and suffering, including without limitation, cervical injuries requiring surgical intervention, a traumatic brain injury, vertigo, and other injuries. Accordingly, Plaintiff became sick, sore, lame, disabled, required hospitalization, medical care and attention; she was and remains incapacitated from her usual duties and vocation, resulting in pain, suffering, emotional distress, lost income, all to Plaintiff's damage in an amount to be determined at the time of trial of this action.

WHEREFORE, Plaintiff LAUREN SINGER HARPER, demands judgment against the Defendants, for compensatory and punitive damages, in a sum exceeding the jurisdictional limit of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

DATED: New York, New York
August 20, 2018

Yours, etc.,



By: Harlan Wittenstein, Esq.
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ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
 ss:
COUNTY OF NEW YORK)


Harlan Wittenstein, Esq., an attorney duly admitted to practice Law before the Courts of the State of New York, affirms the following, under the penalty of perjury:

I am the principal of the firm of Wittenstein & Associates, P.C., the attorneys of record for the plaintiff; I have read the foregoing Summons & Verified Complaint and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief and that as to those matters, I believe them to be true.

Deponent certifies that, upon information and belief, the source of knowledge is the review of the file maintained by my office, and that the foregoing Complaint is not frivolous as defined in subsection (c) of Section 130-1.1 of the rules of the Chief Administrator; Deponent makes this verification pursuant to CPLR §3020, and that the reason the foregoing verification is not made by plaintiff is that the plaintiff is not in this county.

Dated: Brooklyn, New York

August 20, 2018



Harlan Wittenstein, Esq.

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CHRIS BARNES;
RILEY BARNES; and
GEORGE AGUILAR.

Defendants.

-----X

SUMMONS AND VERIFIED COMPLAINT

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