

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SHEILA KENNEDY,

Plaintiff,

-against-

W. AXL ROSE F/K/A WILLIAM BRUCE
ROSE,

Defendant.

Index No.:

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Through her attorneys, Plaintiff Sheila Kennedy (“Plaintiff” or “Kennedy”) alleges as follows against Defendant W. Axl Rose (“Defendant” or “Rose”):

PRELIMINARY STATEMENT

1. This action arises out of Defendant Rose’s acts of sexual assault and battery upon Plaintiff Kennedy.
2. Rose targeted Kennedy in 1989, when he was at the peak of his commercial success. Rose used his fame, status, and power as a celebrity and performer in the music industry to gain access to manipulate, control, and violently sexually assault Kennedy.
3. As a result of Rose’s sexual abuse and assault, Kennedy has suffered severe emotional, physical, financial and psychological distress.
4. Kennedy’s injuries resulted from conduct constituting a sexual offense as defined in Article 130 of the New York Penal Law, including without limitation, criminal sexual act in the first degree (N.Y. Penal Law § 130.50), sexual misconduct (N.Y. Penal Law §§ 130.20), and/or forcible touching (N.Y. Penal Law §§ 130.52).
5. Accordingly, this action is timely pursuant to the N.Y. Adult Survivors Act, CPLR § 214-j and the City of New York’s Victims of Gender-Motivated Violence Protection

Law, N.Y.C. Admin. Code § 10-1105.

PARTIES

6. Plaintiff is an adult woman who currently resides in Palm Springs, California.
7. Defendant is an adult man who currently resides in Malibu, California.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this matter pursuant to New York Civil Practice Laws and Rules (“CPLR”) § 301.

9. Venue is proper in New York County pursuant to CPLR § 503(a) because a substantial part of the events and/or omissions giving rise to the claims occurred in New York County.

FACTUAL ALLEGATIONS

Axl Rose and History of Abuse

10. Axl Rose has been the lead singer of the band Guns N’ Roses since 1985. Known for his distinctive vocal style, Rose has sold millions of albums, performed in sold-out arenas, and achieved extraordinary success as a world-famous musician.

11. On information and belief, Rose had a reputation within the music industry for frequently aggressive, violent, and sexually hostile behavior.

12. On information and belief, in December 1985, Rose participated in the violent gang rape of his then-girlfriend, a 15-year-old minor child, in the Guns N’ Roses rehearsal space in Hollywood, California. Rose was 23.

13. On information and belief, shortly after the incident, Rose was arrested for statutory rape. The criminal charges were eventually dropped.

14. Subsequently, in the late 1980s and early 1990s, Rose’s “bad boy” public image was celebrated and promoted by his record label, Geffen Records. The cover of Guns N’ Roses

1987 album, *Appetite for Destruction*, features a cartoon drawing of a battered young woman with underwear pulled down around her legs.

15. On information and belief, in 1990, Rose's ex-bandmate, Steven Adler, observed Rose throw a woman down a flight of stairs after she refused to have sex with him.

16. On July 18, 1994, *People* magazine published a cover story entitled "Battered Beauties" about years of extensive and explosive violence by Rose upon two of his ex-partners, Erin Everly and Stephanie Seymour.

Plaintiff Sheila Kennedy

17. Kennedy is an actress and model who was the 1983 *Penthouse* "Pet of the Year." Over the course of her career, Kennedy has appeared on the cover of *Penthouse* four times.

18. Kennedy met Rose in or around February 1989, at a nightclub in New York, New York. Kennedy had been invited to the nightclub by a friend who was a fan of Guns N' Roses and who told Kennedy that Rose would be there.

19. Kennedy was not previously aware of Rose's identity and popularity.

20. After entering the nightclub, Kennedy observed Rose in the back room, surrounded by several other people.

21. When Kennedy approached Rose's table, she immediately felt his eyes and attention turn to her.

22. On information and belief, Rose was in New York City to help his friend, David Andrew "Riki" Rachtman, secure the role of host for MTV's Headbangers Ball.

23. Rose asked Kennedy if she would like to go back to his hotel for a party with him and Rachtman, who was with Rose at the nightclub.

24. Rose told Kennedy that only she was invited back to his hotel, and not her friend, who Rose said was "not hot enough" for his taste.

25. Kennedy apologized to her friend and joined Rose, Rachtman, and another model, invited by Rachtman, to go from the nightclub to Rose's luxury suite at a hotel on Central Park West.

26. At Rose's hotel suite, other acquaintances of Rose and Rachtman arrived for the party. Rose provided cocaine, champagne, and alcohol to his guests in the suite.

27. At one point, Kennedy went to the bathroom in Rose's bedroom within the suite to freshen up. There, she observed multiple bottles prescribed to Rose on the sink, including lithium. Kennedy feared that if Rose was mixing drugs and alcohol with these prescription medications, Rose could become dangerous.

28. As Kennedy exited Rose's bathroom, Rose was waiting outside the door. He pushed Kennedy against the wall and kissed her. Kennedy found Rose attractive and did not mind this encounter. She was open to sleeping with him if things progressed and if they continued to find each other attractive.

29. The party was in full swing and there were many people in the suite. Eventually, Rose told Rachtman to clear the suite of everyone except Kennedy and the other model, and Rachtman did so.

30. Kennedy soon found herself in Rose's bedroom in bed with Rose, Rachtman, and the other model. Rose began kissing and having sex with the other model.

31. Kennedy quickly became uncomfortable. Rose was aggressive in a way that appeared painful for the model.

32. The encounter quickly became not just uncomfortable but disturbing. It appeared to Kennedy that Rose was encouraging group sex. She had been open to sex with Rose but had not agreed to, and was not interested in, having group sex.

33. Soon, Rachtman and Kennedy left Rose's bedroom, went down a hallway within the suite, and went into Rachtman's bedroom in the back. They began to talk.

34. Suddenly, Kennedy heard objects being thrown and the sound of glass shattering. She also heard Rose screaming at the model, saying: “You’re a fucking whore. Get the fuck out of here!”

35. In response to the commotion, Rachtman warned Kennedy: “It’s going to get bad.”

36. Then, Kennedy heard Rose storming down the hallway toward her and Rachtman in Rachtman’s bedroom. Upon seeing Kennedy in the bedroom, said: “What the FUCK are you doing back here?”

37. Rose’s demeanor and words terrified Kennedy. He was furious, and she did not know what he might do in this state. Rose loomed threateningly over Kennedy, blocking her exit from Rachtman’s bedroom.

38. Then, Rose grabbed Kennedy by her robe and knocked her to the floor in the hallway outside Rachtman’s bedroom door. While Kennedy was still on the ground, Rose grabbed her by the hair and dragged her across the suite back to his bedroom. This was very painful for Kennedy and caused her knees to bleed from scraping on the rug.

39. Back at Rose’s bedroom, Rose threw Kennedy to the floor. For a brief moment, Kennedy crawled frantically around the floor, crying, bleeding, and trying to gather her belongings.

40. Suddenly, Rose picked Kennedy up and threw her on the bed, face down and on her stomach. He grabbed pantyhose that were nearby and tied Kennedy’s hands behind her back.

41. Kennedy lay there on the bed with her hands tied behind her back, bleeding, vulnerable, and alone with Rose while he was in a sexual, volatile rage.

42. Kennedy had just witnessed Rose violently have sex with another woman. He dragged Kennedy to his bedroom like a caveman and acted with uncontrolled fury. Rose had

physically stopped her from leaving. Kennedy was trapped.

43. Rose then sexually assaulted Kennedy. Rose forcibly penetrating Kennedy's anus with his penis. Rose made no attempt to ask for or check that Kennedy was consenting. He treated her like property used solely for his sexual pleasure. He did not use a condom.

44. Kennedy did not consent and felt overpowered. She felt she had no escape or exit and was compelled to acquiesce. She believed Rose would physically attack her, or worse, if she said no or attempted to push him away. She understood that the safest thing to do was to lie in bed and wait for Rose to finish assaulting her.

45. Rose's sexual abuse of Kennedy had lifelong emotional, physical, psychological, and financial impacts on Kennedy's life.

46. Kennedy has experienced symptoms akin to post-traumatic stress disorder whenever she hears Rose's name or the music of Guns N' Roses. Other sexual encounters have drawn her right back to the night that Rose had assaulted her. When confronted with these memories, Kennedy has experienced intense physical and emotional distress.

47. Kennedy has been diagnosed with anxiety and depression because of Rose's assault.

48. Kennedy's career has also suffered because of the assault. Kennedy avoids nightclubs and social scenarios where she could encounter Rose or hear his music playing.

49. As an actress and model, however, attending events and maintaining a large network of social contacts, including contacts connected with Rose, is important for her career. Kennedy's assault and the trauma it caused has hurt her earnings and earning capacity.

50. Finally, Rose's sexual assault has caused Kennedy issues with physical and emotional intimacy. Kennedy's ability to trust men, form healthy relationships, and participate in trusting and safe sexual encounters was irreversibly impacted.

FIRST CAUSE OF ACTION
ASSAULT

51. Plaintiff incorporates and realleges each and every allegation set forth in the preceding paragraphs as if set forth here in full.

52. The physical conduct of the Defendant described herein was intended to cause Plaintiff to imminently apprehend harmful and/or offensive contact with Plaintiff's body.

53. The physical conduct of the Defendant described herein in fact caused Plaintiff to imminently apprehend harmful and/or offensive contact with Plaintiff's body.

54. Plaintiff did not consent to Defendant's harmful and offensive contact.

55. Plaintiff is entitled to compensatory damages from Defendant in such sums as a jury would find fair, just, and adequate.

56. Defendant's actions as described herein were intentional, extreme, and outrageous, entitling Plaintiff to recover punitive damages from Defendant in such sums as a jury would find fair, just, and appropriate, to deter Defendant and others from similar conduct.

57. This action falls within the exception to Article 16 in the CPLR.

SECOND CAUSE OF ACTION
BATTERY

58. Plaintiff incorporates and realleges each and every allegation set forth in the preceding paragraphs as if set forth here in full.

59. As described herein, Defendant forcibly, intentionally, and against Plaintiff's will and without her consent, subjected Plaintiff to bodily harm, when he sexually assaulted her.

60. Defendant's physical conduct with Plaintiff as described herein was offensive.

61. Defendant intended to make such contact without Plaintiff's consent.

62. Defendant did, in fact, make such contact without Plaintiff's consent.

63. Defendant's bodily conduct with Plaintiff was unjustified.

64. Plaintiff is entitled to compensatory damages from Defendant in such sums as a jury would find fair, just, and adequate.

65. Defendant's actions as described herein were intentional, extreme, and outrageous, entitling Plaintiff to recover punitive damages from Defendant in such sums as a jury would find fair, just, and appropriate, to deter Defendant and others from similar conduct.

66. This action falls within the exception to Article 16 in the CPLR.

THIRD CAUSE OF ACTION
INTENTION INFLICTION OF EMOTIONAL DISTRESS

67. Plaintiff incorporates and realleges each and every allegation set forth in the preceding paragraphs as if set forth here in full.

68. Defendant engaged in extreme and outrageous conduct toward Plaintiff with the intent to cause, or with reckless disregard for the probability of causing, Plaintiff to suffer severe emotional distress.

69. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and will continue to sustain physical injury, pain and suffering, severe emotional distress, mental anguish, humiliation, embarrassment, anxiety, and economic harm, entitling Plaintiff to compensatory damages in such sums as a jury would find fair, just, and appropriate.

70. Defendant's actions as described herein were intentional, extreme, and outrageous, entitling Plaintiff to recover punitive damages from Defendant in such sums as a jury would find fair, just, and appropriate, to deter Defendant and others from similar conduct.

71. This action falls within the exception to Article 16 in the CPLR.

FOURTH CAUSE OF ACTION
GENDER-MOTIVATED VIOLENCE – CITY OF NEW YORK GMVA

72. Plaintiff incorporates and realleges each and every allegation set forth in the

preceding paragraphs as if set forth here in full.

73. The above-described conduct of Defendant, including, but not limited to, Defendant's sexual assault of Plaintiff, constitutes "crimes of violence" and "crimes of violence motivated by gender" against Plaintiff as defined by the New York City Victims of Gender-Motivated Violence Protection Law, N.Y.C. Admin. Code § 10-1101 *et seq.*

74. The acts against Plaintiff constitute felonies or misdemeanors that presented a serious risk of physical injury to Plaintiff.

75. The above-described conduct of Defendant, including, but not limited to, Defendant's sexual assault of Plaintiff, constitutes a "crime of violence" against Plaintiff motivated: (i) by her gender; (ii) on the basis of her gender; and/or (iii) due, at least in part, to an animus based on her gender.

76. Defendant committed a "crime of violence" against Plaintiff because she is a woman and, at least in part, because he had an unlawful animus toward women. Defendant's gender-motivated animus towards women is demonstrated by, *inter alia*, his sexually violent and abusive treatment of multiple women, not limited to Plaintiff.

77. As a direct and proximate result of this gender-motivated violence, Plaintiff has sustained and will continue to sustain physical injury, pain and suffering, and serious psychological and emotional distress, entitling her to an award of compensatory damages.

78. Plaintiff is entitled to punitive damages from Defendant in such sums as a jury would find fair, just, and adequate.

79. This action falls within the exception to Article 16 in the CPLR.

PRAYER FOR RELIEF

80. WHEREFORE, the amount in controversy exceeds the jurisdictional limits of all lower courts, and Plaintiff demands judgment against Defendant for compensatory damages, pain and suffering, punitive damages, attorney fees, the costs and disbursements of this action,

and such other and further relief as this Court deems necessary just and proper.

DEMAND FOR JURY TRIAL

81. Plaintiff demands a jury trial in this action.

Dated: November 22, 2023

New York, NY

Respectfully submitted,



MCALLISTER OLIVARIUS

Dr. Ann Olivarius

Dr. Jef McAllister

Meghna Sridhar

Matthew Paluch

Attorneys for Plaintiff

641 Lexington Avenue, Suite 1300

New York, NY 10022

Tel: (212) 433-3456

aolivarius@mcollaw.com

jmcallister@mcollaw.com