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14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

16 JANE DOE, an individual,

17 Plaintiff,

18 vs.

19 TOMMY LEE, an individual; MAYHEM
20 TOURING, INC., a California corporation;
21 TOMMY LEE, INC., a California
22 corporation; A NATURAL HIGH
23 HELICOPTERS, L.L.C. d/b/a SOCAL
24 HELICOPTERS, a Nevada limited liability
25 company; and DOES 1-20.

26 Defendants.

Case No.

COMPLAINT FOR DAMAGES for:

- 1) **SEXUAL ASSAULT;**
- 2) **GENDER VIOLENCE;**
- 3) **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS; and**
- 4) **NEGLIGENCE**

DEMAND FOR JURY TRIAL

PRELIMINARY STATEMENT

1. This action arises out of Defendant Tommy Lee's sexual assault of Plaintiff.
2. In or about February 2003, Plaintiff was lured under false pretenses by Tommy Lee's personal helicopter pilot, David Martz (owner of Defendant A Natural High Helicopters, L.L.C. d/b/a SoCal Helicopters), to take a helicopter ride from San Diego to Van Nuys.

1 Unbeknownst to Plaintiff, until moments before the ride, Tommy Lee would be a passenger.

2 3. During the short 40-minute trip, Tommy Lee and David Martz consumed several
3 alcoholic beverages, smoked marijuana, and snorted cocaine. Tommy Lee then proceeded to
4 sexually assault Plaintiff by forcibly groping, kissing, penetrating her with his fingers, and
5 attempting to force her to perform oral copulation.

6 4. As a result of Tommy Lee’s sexual assault, Plaintiff has suffered severe emotional,
7 physical, and psychological distress.

8 5. Plaintiff brings her claims pursuant to the Sexual Abuse and Cover Up
9 Accountability Act, AB2777. Code of Civil Procedure section 340.16(e) provides that a claim
10 seeking to recover damages suffered as a result of a sexual assault that occurred on or after a
11 plaintiff’s 18th birthday otherwise barred may be brought subject to this act between January 1,
12 2023, and December 31, 2023. Plaintiff’s lawsuit also complies with requirements of this code.

13 **THE PARTIES**

14 6. Plaintiff is an adult female who resides in San Diego, California.

15 7. Defendant Tommy Lee (“Lee”) is a resident of Los Angeles County, California.
16 Lee was the drummer and founding member of the glam metal band Mötley Crüe and the
17 founding member of the rap-metal band Methods of Mayhem.

18 8. Defendant Mayhem Touring, Inc. (“Mayhem Touring”) is a California corporation
19 with its principal place of business in Woodland Hills, California. On information and belief, Lee
20 was the President and owner of Mayhem Touring at the time of events underlying this action.

21 9. Defendant Tommy Lee, Inc. (“TLI”) is a California corporation with its principal
22 place of business in Woodland Hills, California. On information and belief, at the time of events
23 underlying this action, Lee was the President and owner of TLI and/or its predecessor company.

24 10. Defendant A Natural High Helicopters, L.L.C., is a Nevada limited liability
25 company, which at the time of the events underlying this action did business in California under
26 the name SoCal Helicopters (hereinafter “SoCal Helicopters”). Non-party David Martz (“Martz”)
27 (now deceased) was the owner and managing member of SoCal Helicopters. At the time of the
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1 events underlying this action, Martz operated SoCal Helicopters out of the Montgomery-Gibb
2 Executive Airport (f/k/a Montgomery Field and Gibbs Field) in San Diego, California.

3 11. The true names and capacities, whether individual, corporate, partnership,
4 associate, or otherwise, of Defendants DOES 1–20, inclusive, are unknown to Plaintiff.
5 Accordingly, Plaintiff sues DOES 1–20 by such fictitious names pursuant to section 474 of the
6 Code of Civil Procedure. Plaintiff will seek leave to amend this Complaint to allege their true
7 names and capacities when they are ascertained. Plaintiff is informed and believes and thereon
8 alleges that DOES 1–20 are legally responsible in some manner for the events, happenings,
9 and/or tortious and unlawful conduct that caused the injuries and damages alleged herein.

10 12. On information and belief, at all times material hereto, Defendants¹ were the
11 agents, representatives, servants, employees, partners, joint venturers, and/or conspirators of each
12 and every other Defendant and were acting within the course and scope of said alternative
13 capacity, identity, agency, representation and/or employment and were within the scope of their
14 authority, whether actual or apparent. Each of the Defendants is responsible in some manner for
15 one or more of the events and happenings described herein. Each Defendant approved and/or
16 ratified the conduct of each other Defendant. Consequently, each Defendant is jointly and
17 severally liable to Plaintiff for the damages sustained as a proximate result of his, her, or its
18 conduct. Each of the Defendants proximately caused the injuries and damages alleged.

19 **JURISDICTION AND VENUE**

20 13. This Court has jurisdiction over the subject matter of this action pursuant to Article
21 VI, section 10 of the California Constitution and section 410.10 of the Code of Civil Procedure.

22 14. Venue is proper in this Court because all Defendants either reside in this county,
23 do business in this county, and/or committed the wrongful acts alleged herein within this county.

24 15. The amount in controversy, exclusive of interest and costs, exceeds the
25 jurisdictional minimum of this Court. Accordingly, this Court has jurisdiction over the case at bar.

26 **FACTUAL ALLEGATIONS**

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28 ¹ Whenever reference is made to “Defendants” in this Complaint, such allegation shall be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

1 16. In late 2001 or early 2002, Plaintiff met Martz at the San Diego Metro Bank in the
2 University City neighborhood of San Diego, California, where Plaintiff worked as a bank teller.
3 Martz was a client of the bank and frequently came to Plaintiff's teller window to conduct his
4 banking business. Plaintiff ultimately became Martz's personal bank teller.

5 17. At the time, Martz was a helicopter pilot and provided tours and rides throughout
6 San Diego and Los Angeles Counties, and even into Mexico. Martz operated his business under
7 the name SoCal Helicopters out of the Montgomery-Gibb Executive Airport, then known as
8 Montgomery Field and Gibb Field, in San Diego, California (hereinafter, the "Airfield").

9 18. During Plaintiff's employment at the San Diego Metro Bank, Plaintiff and Martz
10 became friends and, on occasion, met for lunch at the Casa Machado Restaurant at the Airfield.

11 19. In or around mid-2002, Plaintiff resigned from the San Diego Metro Bank.

12 20. Martz and Plaintiff stayed in touch after Plaintiff's resignation from the bank.
13 Martz would contact Plaintiff about once or twice a month, by phone or written letter, to check in
14 on Plaintiff and to see how she was doing. Plaintiff and Martz also had lunch a few times at Casa
15 Machado. Over time, Plaintiff came to consider Martz a good friend and someone she could trust.

16 21. Sometime starting in or about mid-2002, Martz began asking Plaintiff whether she
17 would like to take a ride in his helicopter. Plaintiff was hesitant to accept the offer, as she had
18 never ridden in a helicopter before, but otherwise perceived Martz's request as a friendly gesture.

19 22. On or about December 20, 2002, Martz sent Plaintiff a letter through the U.S.
20 Mail. The letter stated that Martz "would love to have lunch" with Plaintiff and that she should
21 call or email him. Following receipt of the letter, Plaintiff contacted Martz to arrange a lunch.

22 23. In or about January 2003, Martz and Plaintiff met at Casa Machado for lunch.
23 During the meeting, Martz and Plaintiff discussed Plaintiff taking a ride in Martz's helicopter.
24 The two then arranged for Martz to give Plaintiff a short helicopter tour sometime in February.

25 24. In early February 2003, approximately one week before the planned helicopter
26 ride, Martz called Plaintiff to confirm the details, stating that the two would have lunch at Casa
27 Machado and then go for a quick helicopter ride around San Diego County.

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1 25. In or around the second week of February 2003, Plaintiff arrived at the Airfield to
2 meet Martz, expecting to have lunch at Casa Machado and then take a short helicopter ride
3 around San Diego County. Unbeknownst to Plaintiff, Martz had arranged other plans.

4 26. Upon her arrival at the Airfield, Martz informed Plaintiff that plans had changed
5 and that they would not be having lunch at Casa Machado. Instead, Martz informed Plaintiff that
6 he needed to get to Van Nuys, California, by a particular time, so they would be skipping lunch.
7 Plaintiff agreed to skip lunch, thinking it would be fun to take a helicopter ride up to Los Angeles.

8 27. Unfortunately, Martz had not fully disclosed the full details of his sudden change
9 of plans to Plaintiff. As Martz and Plaintiff walked toward the hanger where the helicopter was
10 parked, Plaintiff noticed a man waiting alongside the helicopter. That man turned out to be
11 Tommy Lee of the band Mötley Crüe. Within seconds of Martz and Plaintiff reaching the
12 helicopter, Martz introduced Plaintiff to Lee, told Plaintiff that he needed to take Lee to Van
13 Nuys and that the trip would take no longer than 35 to 40 minutes, and then commanded Plaintiff
14 to hop in the helicopter. As this was all happening so quickly, Plaintiff acquiesced.

15 28. Within a matter of minutes of being airborne, Martz pulled out alcohol he had
16 stored in the helicopter and began to mix drinks. Martz handed Plaintiff a drink, but she did not
17 drink it. Plaintiff watched Martz and Lee consume the drinks Martz had mixed and then began to
18 smoke marijuana and snort cocaine. After a few minutes, Martz asked Plaintiff through the
19 helicopter's headphone system why she was not drinking and stated that she should "just relax."

20 29. Martz then asked Plaintiff to come up to the cockpit and sit with Lee. Plaintiff
21 declined as there was no room for her to sit in the cockpit. Lee, however, encouraged Plaintiff to
22 sit on his lap so that she would not miss the view, which was best from the cockpit. Plaintiff felt
23 immense pressure from both Martz and Lee to come to the cockpit, so she acquiesced.

24 30. Within a matter of minutes of joining Martz and Lee, Lee began groping and
25 kissing Plaintiff. Plaintiff attempted to pull away from Lee, but he only became more forceful. At
26 one point, Lee penetrated Plaintiff with his fingers while fondling her breasts. Lee then pulled
27 down his pants and attempted to force Plaintiff's head toward his genitals. By this point, Plaintiff
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1 was in tears, but she had nowhere to go—she was trapped with little mobility to leave the cockpit.

2 31. Throughout the entire event, Martz did nothing. He merely watched on, smiling.

3 32. After the helicopter landed at the Van Nuys Airport, Lee hugged Plaintiff and
4 jumped out of the helicopter. Plaintiff and Martz then traveled back to the Airfield, in silence.

5 33. Plaintiff had no contact with Martz after the event, until approximately June 2009
6 when Martz reached out to Plaintiff by telephone to catch up. Their conversation was very short.
7 The two had no contact thereafter, and Martz later died in a Cessna accident in August 2015.

8 34. The events that occurred in Martz's helicopter in February 2003 caused Plaintiff to
9 suffer great shock, distress, humiliation, shame, and guilt. Those feelings, coupled by the fame of
10 Lee and the climate of the music industry at the time (in which rock-n-roll stars like Lee thrived
11 upon and gained even further celebrity from salacious and hedonistic conduct), led Plaintiff to
12 believe that nothing would come from reporting Lee's and Martz's conduct to local police
13 authorities. Like many survivors of sexual assault, Plaintiff believed that the events that unfolded
14 on Martz's plane in February 2003 were caused by her own actions and that this was an isolated
15 incident that would not be taken seriously by local police authorities. Plaintiff thus did not file a
16 police report.

17 35. Plaintiff has since learned that she likely was not the only victim of Martz and Lee.
18 Plaintiff has since learned that Martz and Lee had a history of engaging in indecent and illegal
19 conduct on Martz's helicopter. On information and belief, Martz and Lee conspired to lure other
20 women, both before and after Plaintiff, onto Martz's helicopter under the guise of taking a tour to
21 enable Lee and/or Martz to sexually assault these unsuspecting women. On information and
22 belief, Martz, Lee, Defendants, and Does 1-20 engaged in coverups to ensure that such sexual
23 assaults were not made public or disclosed to anyone, including Plaintiff.

24 36. Since February 2003, Plaintiff has continued to suffer from the sexual assault.
25 Plaintiff continues to experience extreme anxiety, depression, emotional distress, PTSD, and
26 other physical and psychological harms. Despite years of psychiatric therapy and counseling, the
27 injuries sustained by Plaintiff remain substantial, continuing, and are permanent.

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1 **FIRST CAUSE OF ACTION**

2 **SEXUAL ASSAULT (Cal. Civ. Code § 340.16)**

3 **(Against All Defendants and DOES 1-20)**

4 37. Plaintiff incorporates the allegations contained in the preceding paragraphs as
5 though fully set forth herein.

6 38. Defendants, in committing the acts herein alleged, intended to subject Plaintiff to
7 sexual assault and battery, all while Defendants acted in the course and scope of their agency or
8 employment with Defendants. In so doing, Defendants intended to cause harmful or offensive
9 contact with Plaintiff's person, and/or intended to put Plaintiff in imminent apprehension of such
10 contact.

11 39. In doing the acts herein alleged, Defendants placed Plaintiff in imminent
12 apprehension of harmful or offensive contact by Defendant Lee, and Plaintiff actually and
13 reasonably believed that Defendant Lee had the ability to make harmful or offensive contact with
14 Plaintiff's persons.

15 40. Plaintiff did not consent to Defendant Lee's intended harmful or offensive contact
16 with the Plaintiff's persons, or to Defendants' intent to place Plaintiff in imminent apprehension of
17 such contact.

18 41. In committing the acts herein alleged, Defendants violated Plaintiff's right,
19 pursuant to Civil Code section 43, of protection from bodily restraint or harm, and from personal
20 insult. In committing the acts herein alleged, Defendants violated their duty, pursuant to Civil
21 Code section 1708, to abstain from injuring the persons of Plaintiff or infringing upon her rights.

22 42. As a direct and proximate result of the conduct of Defendants, individually,
23 jointly, and/or severally, Plaintiff sustained severe emotional distress and physical pain,
24 emotional anguish, fear, anxiety, humiliation, embarrassment, and other physical and emotional
25 injuries, damages (both economic and noneconomic), and permanent disability, in the past,
26 present, and future, for which this claim is made. The injuries suffered by Plaintiff are substantial,
27 continuing, and permanent.

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1 suffered great mental pain, embarrassment, humiliation, distress, anguish, and suffering, all to her
2 damages in an amount according to proof at trial.

3 56. Defendants and agents and/or employees' conduct as alleged herein was
4 intentional and malicious and done for the purpose of causing, or with the substantial certainty
5 that such conduct would cause, Plaintiff to suffer humiliation, mental anguish, and emotional and
6 physical distress.

7 57. Defendants and agents and/or employees acted willfully and maliciously with the
8 intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice
9 and/or oppression under Civil Code section 3294 thereby entitling Plaintiff to punitive damages.

10 **FOURTH CAUSE OF ACTION**

11 **NEGLIGENCE**

12 **(Against All Defendants and DOES 1 through 20)**

13 58. Plaintiff re-alleges and incorporates the allegations contained in the preceding
14 paragraphs as though fully set forth herein.

15 59. Defendants knew and/or should have known that Defendant Lee did and was
16 capable of sexually and mentally abusing and harassing Plaintiff based upon prior similar acts of
17 Defendant Lee known to Defendants.

18 60. Defendants had special duties to protect Plaintiff. The duty to protect and warn
19 arose from the special, trusting, and confidential relationship between Defendants and Plaintiff.

20 61. Defendants breached their duties of care to Plaintiff by allowing Defendant Lee to
21 come into contact with Plaintiff, and by concealing from Plaintiff that Defendant Lee had a
22 history of sexual assault.

23 62. Defendants breached their duties to Plaintiff by failing to investigate or otherwise
24 confirm or deny such facts of sexual assault by Defendant Lee.

25 63. Defendants breached their duty to Plaintiff by failing to prevent Defendant Lee
26 from committing wrongful sexual acts with Plaintiff.

27 64. As a direct and proximate result of the conduct of Defendants, individually,
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1 jointly, and/or severally, Plaintiff sustained severe emotional distress and physical pain,
2 emotional anguish, fear, anxiety, humiliation, embarrassment, and other physical and emotional
3 injuries, damages (both economic and noneconomic), and permanent disability, in the past,
4 present, and future, for which this claim is made. The injuries suffered by Plaintiff are substantial,
5 continuing, and permanent.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff requests that the Court enter a judgment awarding the following
8 relief against Defendants:

- 9 (1) Past, present, and future general damages according to proof;
10 (2) Past, present, and future special damages, including but not limited to medical and
11 incidental expenses and loss of earnings and earning capacity according to proof;
12 (3) Any appropriate punitive or exemplary damages;
13 (4) Any appropriate statutory damages;
14 (5) Reasonable attorneys' fees and costs, including expert witness fees, pursuant to
15 Cal. Civ. Code § 52.4.
16 (6) Costs of suit;
17 (7) Prejudgment interest as permitted by law; and
18 (8) Such other relief as the Court deems proper.

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20 DATED: December 15, 2023

JOHNSON & JOHNSON LLP

21
22 By */s/ Melissa N. Eubanks*

23 Neville L. Johnson

Douglas L. Johnson

Melissa N. Eubanks

24 *Attorneys for Plaintiff Jane Doe*

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DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded by Plaintiff.

DATED: December 15, 2023

JOHNSON & JOHNSON LLP

By /s/ Melissa N. Eubanks

Neville L. Johnson

Douglas L. Johnson

Melissa N. Eubanks

Attorneys for Plaintiff Jane Doe