

AUG 14 2007

John A. Chiles, Interim Officer/Clerk

Julia Rojas

1 Paul Hoffman (SBN 71244)
2 Benjamin Schonbrun (SBN 118323)
3 SCHONBRUN DE SIMONE SEPLOW
4 HARRIS & HOFFMAN LLP
5 723 Ocean Front Walk
6 Venice, CA 90291
7 Telephone: (310) 396-0731
8 Fax: (310) 399-7040

Attorneys for Plaintiff
TRACIE RICE

INITIAL CASE MANAGEMENT REVIEW
AND CONFERENCE

DEC 03 2007

D 8:45
Dept J

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

TERRY B. FRIEDMAN

12 TRACIE RICE,

13 Plaintiff,

14 vs.

15 LINDSAY LOHAN, an individual, and
16 DOES 1 through 10, inclusive,

17 Defendants.
18
19

) CASE NO.

SC094931

) COMPLAINT FOR DAMAGES

) 1. Assault

) 2. Negligence

) 3. Intentional Infliction of Emotional
Distress

) 4. Violation of California Civil Code
§ 52.1

20
21 DEMAND FOR JURY TRIAL
22
23
24
25
26
27
28

1 Plaintiff TRACIE RICE make the following allegations to support this Complaint:

2 JURISDICTION AND VENUE

3 1. This Court has personal jurisdiction over the Defendant because she is a resident
4 of California and the County of Los Angeles.

5 2. Venue is proper in this county in accordance with Section 395(a) of the California
6 Code of Civil Procedure because (a) the Defendant resides in Los Angeles County and (b) the
7 injuries to Plaintiff occurred in Los Angeles County.

8 PLAINTIFFS

9 3. Plaintiff TRACIE RICE is a resident of the County of Los Angeles. She was
10 subjected to the wrongful conduct alleged in this Complaint by the Defendant LINDSAY
11 LOHAN on the evening of July 23-24, 2007 in the City of Santa Monica.

12 DEFENDANTS

13 4. Defendant LINDSAY LOHAN is a well known actress who resides in the County
14 of Los Angeles. She is responsible for the wrongful conduct against Plaintiff as alleged in this
15 Complaint

16 5. Defendants DOES 1 through 10, inclusive, are in some way responsible for the
17 injuries suffered by the Plaintiff. The true names and capacities of Defendants named herein as
18 DOES 1 through 10, inclusive, are unknown to Plaintiff who therefore sue such Defendants by
19 such fictitious names pursuant to California Code of Civil Procedure § 474. Plaintiff will amend
20 this Complaint to show true names and capacities when they have been determined. Plaintiff is
21 informed and believe, and on the basis of such information and belief allege, that each Defendant
22 DOE herein is in some manner responsible for the false arrest and damages herein alleged.

23 6. Plaintiff is informed and believe and thereon allege that each Defendant is, and at
24 all times mentioned was, the agent, employee, or representative of each other Defendant. Each
25 Defendant, in doing the acts, or in omitting to act as alleged in this Complaint, was acting within
26 the scope of his or her actual or apparent authority or the alleged acts and omissions of each
27 Defendant as agent subsequently were ratified and adopted by each other Defendant as principal.

1 FACTS COMMON TO ALL CAUSES OF ACTION

2 7. On the early morning of Tuesday July 24, 2007, at approximately 1:00A.M.,
3 Plaintiff was driving with Michelle Peck toward Ms. Peck's home in Santa Monica. As Ms.
4 Peck was attempting to park her car on the street a large SUV pulled up to the grill of her vehicle.
5 The SUV was on the wrong side of the road. The cars were grill to grill at this point. The SUV
6 had its high beams on, blinding Plaintiff, and its engine was racing as though the SUV would
7 crash into Ms Peck's car.

8 8. Plaintiff had no idea who was in the SUV or what they wanted. Plaintiff believed
9 that they were being carjacked. Ms. Peck reversed her car to escape from the SUV but each time
10 Ms. Peck moved her car the driver of the SUV made a corresponding aggressive move in an
11 effort to block their escape. Plaintiff was certain that the SUV was trying to block their car in
12 order to carjack them.

13 9. At this point a man unknown to Plaintiff got out of the SUV and ran toward
14 Plaintiff's car in what appeared to be a threatening manner reinforcing Plaintiff's belief that they
15 were being carjacked. The man ran toward Ms. Peck's car and appeared to be reaching into his
16 pocket for something, perhaps a gun.

17 10. Plaintiff was calling 911 as these events were unfolding to attempt to get police
18 protection. Believing that the police would not get there in time, Ms. Peck started driving at a
19 high rate of speed away from the SUV in an attempt to escape until the police could protect them.
20 Plaintiff continued to attempt to get police protection by calling 911.

21 11. Ms. Peck drove toward the headquarters of the Santa Monica Police Department
22 ("SMPD"). SMPD headquarters were about two miles away. Plaintiff realized that the SUV
23 was following them and Ms Peck increased her speed. Each time she did so the SUV would
24 increase its speed in pursuit. At this point Plaintiff was convinced that their lives were in danger
25 and that they had to outrun the pursuing car or they might be killed. The SUV followed
26 Plaintiffs' car going at high speed right at the rear of Plaintiffs' car putting them at extreme risk
27 of death or injury.

28 12. The SUV pursued Plaintiff for approximately two miles until Plaintiff arrived at

1 the SMPD headquarters on Fourth Street. Ms. Peck drove her car through the barricade at the
2 Santa Monica Civic Center next to police headquarters in her effort to get away from the SUV.
3 The SUV followed their car into the parking lot.

4 13. Plaintiff got out of the car to run toward the police and saw a woman, who
5 turned out to be Defendant LINDSAY LOHAN, also running out of the SUV toward her.
6 Police officers approached all of them with guns drawn, increasing Plaintiff's emotional distress.
7 Within a short time the police understood that Plaintiff and Ms. Peck were victims of these
8 events. The officers arrested LOHAN and took statements from Plaintiff and then allowed
9 Plaintiff and Ms. Peck to return home. Ms. Peck's daughter had worked as Ms. LOHAN's
10 assistant for several months before July 24, 2007, and LOHAN was known to Ms. Peck, though
11 not to Plaintiff. Until police took LOHAN into custody neither Ms. Peck nor Plaintiff knew that
12 their pursuer had been LOHAN.

13 14. In the aftermath of these events neither Plaintiff nor Ms. Peck spoke publicly
14 about their ordeal and avoided all media calls. LOHAN, on the other hand, increased the
15 damage to Plaintiff by causing statements to be disseminated in the media indicating falsely that
16 Ms. Peck had attempted to run her down; that Ms. Peck was "hysterical;" and that Ms. Peck's
17 daughter was a "troubled" person. These false statements only magnified the damage already
18 caused by LOHAN's irresponsible and extremely dangerous behavior. No action by Plaintiffs
19 provided any justification for LOHAN's wrongful actions.

20 15. As a result of Defendant LOHAN's outrageous behavior Plaintiff has suffered
21 intense emotional distress and the utter disruption of her life. Plaintiff has had to incur medical
22 expenses and other expenses in her effort to cope with the manifestations of this distress.
23 Plaintiff does not know at this point when this distress and disruption will dissipate.

24 **FIRST CAUSE OF ACTION**

25 **ASSAULT**

26 16. Plaintiff realleges and incorporates by reference, as though fully set forth herein,
27 each and every allegation set forth in paragraphs 1 through 15 above.

28 17. Defendant LOHAN committed acts which resulted in imminent apprehension of

1 and harmful or offensive contact with Plaintiff's person, to which Plaintiff did not consent. Said
2 imminent apprehension of and harmful or offensive contact caused injury, damage, loss, and/or
3 harm to Plaintiff as alleged herein.

4 18. The acts described herein constitute assault, actionable under the laws of
5 California. Defendant LOHAN knew or should have known, that Plaintiff was assaulted

6 19. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
7 been directly and legally caused to suffer damages as alleged herein.

8 20. Defendant lohan and DOES 1 through 10 engaged in unlawful conduct with
9 malice, oppression, or fraud. As such, Plaintiff is entitled to recover punitive damages from
10 Defendant LOHAN and DOES 1 through 10 in an amount according to proof.

11 **SECOND CAUSE OF ACTION**

12 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

13 21. Plaintiff realleges and incorporates by reference, as though fully set forth herein,
14 each and every allegation set forth in paragraphs 1 through 20 above.

15 22. Defendants engaged in extreme and outrageous conduct toward Plaintiff with the
16 intention to cause, or with reckless disregard for the probability of causing, Plaintiff to suffer
17 severe emotional distress, and with wanton and reckless disregard for the injurious result to
18 Plaintiff.

19 23. As a direct and proximate cause of aforementioned outrageous acts of Defendants,
20 Plaintiff has suffered severe emotional distress. Defendants' acts were intentional and done with
21 malicious and oppressive intent. Plaintiff is entitled to general and compensatory damages in
22 amounts to be proven at trial.

23 24. Defendant LOHAN and DOES 1 through 10 engaged in unlawful conduct with
24 malice, oppression, or fraud. As such, Plaintiff is entitled to recover punitive damages from
25 Defendant LOHAN and DOES 1 through 10 in an amount according to proof.

PRAYER

WHEREFORE, the Plaintiff seeks judgment as follows:

- a. For general damages, according to proof;
- b. For medical expenses and related items of expenses, according to proof;
- c. For loss of earnings and other economic or pecuniary damages, according to proof;
- d. For punitive and exemplary damages, according to proof;
- e. For costs of suit;
- f. For attorneys' fees
- g. For prejudgment interest;
- h. For such other and further relief as the Court deems just and proper.

Dated: August 14, 2007

SCHONBRUN DESIMONE SEPLOW
HARRIS & HOFFMAN LLP

By: 

Paul Hoffman

Attorneys for Plaintiff
TRACIE RICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY

Plaintiff TRACIE RICE hereby demands trial by jury on all claims.

Dated: August 14, 2007

SCHONBRUN DE SIMSONE SEPLOW
HARRIS & HOFFMAN LLP

By: 
Paul Hoffman

Attorneys for Plaintiff
TRACIE RICE