

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA

Anshonoe Mills, Plaintiff

v. }

CASE NO. 10-CA-7664

Santonio Holmes, Defendant

and

J.J. Whispers Group Inc., Defendant

Plaintiff, Anshonoe Mills, sues defendant, Santonio Holmes, and alleges:

**FIRST CAUSE OF ACTION
(Battery)**

1. This is an action for damages for a sum within the jurisdictional limits of this court, above \$15,000.
2. Plaintiff is, and at all times mentioned was, a resident of Orlando, Orange County, Florida.
3. Defendant's current primary residence is currently unknown at this time.
4. However, the incident in question involving the Defendant, for which Plaintiff now seeks damages, did occur in Orlando, Florida. (Orange County)
5. On Saturday, March 7, 2010, plaintiff was attending a social event at Rain Night Club in the Metrowest area of Orlando, FL. (4732 S. Kirkman Rd. Orlando, FL 32811) Plaintiff attended the club with three of her female friends from college. Once inside the premises, the plaintiff and her friends noticed that their mutual friend had a table reserved in the VIP area of the club. After getting access wristbands, the plaintiff and her friend made their way into the VIP area of the club to socialize with their friend. Subsequently, the plaintiff went to speak with a friend who was also in the VIP area.
6. Plaintiff sat down on the arm of a couch that was in the VIP area as she was speaking with her friend. Next, Defendant came over to Plaintiff and told her to "Get up". Defendant informed Plaintiff that he had been sitting on that particular couch and that she needed to move. Plaintiff initially refused to move because she was sitting on a couch that was open to the public. However, Defendant proceeded to start yelling and waving his arms in front of Plaintiff. Defendant then put his hand in Plaintiff's face as he attempted to remove Plaintiff from the couch. Plaintiff then grabbed Defendant's hand in self-defense to prevent him from hitting her or touching her. Defendant yanked his hand away, at which point a brief verbal spat ensued. A few club patrons had to step in between the plaintiff and defendant to prevent the Defendant from grabbing the Plaintiff. While separated, Defendant then threw his entire glass cup of liquor at the Plaintiff's face. The glass struck the Plaintiff in the face, specifically on the right side of her

FILED IN OFFICE
CLERK OF COURT
2010 MAR 24 PM 5:00
CLERK OF COURT
ORANGE COUNTY, FLORIDA

- face right below her eyebrow. The act of throwing the glass resulted in the Plaintiff receiving a laceration very close to her eye. The liquor contents within the glass also hit the Plaintiff in the face, effectively blinding her temporarily. Club security removed the Plaintiff due to her injuries.
7. Once outside the night-club, Plaintiff asked a police officer to reprimand the Defendant for his actions. When confronted with the possibility of incarceration, Defendant asked to speak with the Plaintiff. He proceeded to inform the plaintiff that he was an NFL football player and that he could not face criminal charges. Subsequently, Defendant offered to give the Plaintiff money because he was a NFL star and he could not get into trouble. Plaintiff felt pressure from the Defendant and the Orlando Police Department not to press charges. Plaintiff feeling pressured made a short victim statement incoherently stating that she was hit in the face and bleeding near her eyes, however, intended not to press charges. The Orlando Police Department failed to write a police report.
 8. Defendant intended to cause and did in fact cause a harmful and offensive contact with the Plaintiff when he threw a large glass at her face.
 9. Plaintiff did not consent to the Defendant's act and the defendant was not acting in self-defense.
 10. As a direct and proximate result of Defendant's conduct, plaintiff suffered extreme mental anguish and embarrassment, as well as physical pain and injury.
 11. Defendant's intentional misconduct was done knowingly, willfully, and with malicious intent, and the plaintiff is entitled to punitive damages in an amount to be determined by proof at trial.

**SECOND CAUSE OF ACTION
(Assault)**

12. Plaintiff incorporates by reference paragraphs 1-8 inclusive, of the First Cause of Action as if fully set forth.
13. Defendant intended to cause and did cause plaintiff to suffer apprehension of an immediate harmful contact when he put his hands in plaintiff's face while demanding that she move; as well as when he violently threw a glass at her face.
14. Plaintiff did not consent to Defendant's conduct.
15. Defendant's act was done knowingly, willfully, and with malicious intent, and the plaintiff is entitled to punitive damages in an amount to be determined by proof at trial.

**THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)**

16. Plaintiff incorporates by reference paragraphs 1-8 inclusive, of the First Cause of Action as if fully set forth.
17. Defendant intended to cause the plaintiff extreme emotional distress when he attempted to wrongfully and forcibly evict her from where she was sitting in front of many other patrons. Defendant also intended to cause the plaintiff extreme emotional distress when he threw a large glass cup full of alcohol at her face, effectively embarrassing her in front of peers and on lookers.
18. Defendant's act of throwing a large glass at the plaintiff's face was certainly outrageous and unreasonable by society's standards.

19. Defendant's actions caused the Plaintiff emotional distress. Causation is satisfied because but for the defendant's actions, the plaintiff would not have suffered this emotional distress.
20. Plaintiff suffered severe emotional distress.

Plaintiff, Anshonoe Mills, sues defendant, J.J. Whispers Group Inc., and alleges:

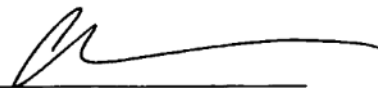
FIRST CAUSE OF ACTION

(Negligent Failure to Provide Adequate Protection When Patron Guest Injured by Violence of Another Intoxicated Guest)

1. This is an action for damages for a sum within the jurisdictional limits of this court, to wit: above \$15,000.
2. Plaintiff is, and at all times mentioned was, a resident of Orlando, Orange County, Florida.
3. At all times mentioned, defendant, J.J. Whispers Group Inc. (J.J. Whispers), was a corporation organized and existing under the laws of Florida, with its principal place of business in Orange County, Florida.
4. Defendant is the owner and the proprietor of Rain Nightclub located at 4732 S. Kirkman Rd. Orlando, FL 32811.
5. On March 7, 2010, plaintiff was a customer and guest of defendant at the described nightclub for the purpose of socializing and fraternizing with friends.
6. On the evening in question, Defendants employees/agents escorted Defendant Holmes to the VIP area of the nightclub where he was provided large amounts of alcohol.
7. Defendant Holmes soon became intoxicated, quarrelsome, and arrogant, and this fact was well known to defendant J.J. Whispers' employees.
8. Nevertheless, defendant's employee, with full knowledge of Mr. Holmes condition, not only permitted the guest to remain in the club, but allowed him to continue drinking heavily and act inappropriately to other patrons.
9. While in this dangerous and intoxicated state, Defendant Holmes proceeded to start an altercation with the plaintiff. Without justification, Defendant Holmes attempted to make the plaintiff move from her seat. He was not entitled to said seat and he had not reserved or paid money to save the seat that was in dispute. When plaintiff refused, defendant Holmes got aggressive and began to verbally and physically assault plaintiff in an attempt to move her.
10. After regular club patrons stepped in to prevent Defendant Holmes from intimidating the plaintiff, Holmes proceeded to violently throw a glass cup full of alcohol at the plaintiff's face which struck her at a high rate of speed from only a few feet away.
11. At no time did Defendant J.J. Whispers' employees or agents on the premises intercede to protect plaintiff from the attack. After the attack, the employees and agents of the defendant nightclub refused to reprimand or remove defendant Holmes based on his celebrity status.

WHEREFORE, plaintiff requests judgment against defendant for damages in the sum within the jurisdictional limits of this court, together with costs of suit, and such further relief as the court deems proper.

Respectfully Submitted,



Jacques L. Cooper, Esq
Attorney for Plaintiffs
750 S. Orange Blossom Trail
Suite 102, Orlando, FL 32805
407-968-9748
BN: 73477