

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

CIVIL ACTION NO:

JANE DOE, proceeding under a pseudonym,)
)
Plaintiff,)
)
v.)
)
KOBE BRYANT)
)
Defendant.)

COMPLAINT FOR SEXUAL ASSAULT AND RAPE

COMES NOW Plaintiff, Jane Doe, proceeding under a pseudonym, and respectfully states her Complaint for sexual assault against Defendant, Kobe Bryant, as follows:

PRELIMINARY STATEMENT

1.

This action for sexual assault arises out of the unlawful rape of Plaintiff Jane Doe by Defendant Kobe Bryant on the night of June 30, 2003 in a hotel room in Eagle, Colorado.

THE PARTIES

2.

Plaintiff Jane Doe (hereinafter "Plaintiff") is an individual who resides in Eagle, Colorado.

3.

Plaintiff is a citizen of the State of Colorado and was a Colorado citizen at all times pertinent and relevant to the incidents described in this Complaint.

4.

Defendant Kobe Bryant (hereinafter "Defendant Bryant") is an individual who resides in the State of California.

5.

Defendant Bryant is a citizen of the State of California and was a California citizen at all times pertinent and relevant to the incidents described in this Complaint.

6.

Defendant Bryant is a professional basketball player for the Los Angeles Lakers of the National Basketball Association ("NBA") and has been recognized as one of the top players in the NBA since his professional career began in 1998.

7.

At the time she was sexually assaulted and raped by Defendant Bryant as hereinafter described, Plaintiff was 19-years old and was a hotel employee.

8.

Contemporaneous with the filing of this Complaint, Plaintiff has filed a Motion to Proceed Anonymously As a "Jane Doe" Plaintiff in order to protect against acts and threats of physical harm to her person and to protect her significant privacy interests, including information of a highly sensitive and personal nature.

JURISDICTION AND VENUE

9.

Plaintiff is a citizen of the State of Colorado for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

10.

Defendant Bryant is a citizen of the State of California for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

11.

This Court has original subject matter jurisdiction with respect to this action pursuant to 28 U.S.C. § 1332 as there exists complete diversity of citizenship between Plaintiff and Defendant Bryant and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.000), exclusive of interest and costs.

12.

Defendant Bryant is subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1332 with proper venue pursuant to 28 U.S.C. § 1391.

13.

Defendant Bryant, a nonresident of Colorado, is subject to the jurisdiction of this Court pursuant to the Colorado Long-Arm Statute, C.R.S.A. § 13-1-124(1)(b), in that he committed a tortious act within the State of Colorado.

CAUSE OF ACTION FOR SEXUAL ASSAULT

14.

On June 30, 2003, at approximately 10:00 p.m., Defendant Bryant registered as a guest at the Lodge & Spa at Cordillera, a resort hotel located in Eagle, Colorado (“the Cordillera Lodge & Spa”).

15.

On June 30, 2003, Plaintiff was employed as a front desk clerk at the Cordillera Lodge & Spa.

16.

After his check-in at the Cordillera Lodge & Spa on June 30, 2003, Defendant Bryant, out of the hearing range of his agents and bodyguards, asked Plaintiff to come to his room to escort him on a private tour of the resort hotel and its facilities.

17.

Plaintiff agreed to Defendant Bryant's request and during the tour of the hotel, Defendant Bryant flirted with Plaintiff and she was flattered by his comments and interest in her.

18.

After taking Defendant Bryant on an approximate fifteen (15) minute tour of the hotel facilities, Defendant Bryant asked Plaintiff to escort him back to his room.

19.

After she entered his hotel room, Defendant Bryant asked Plaintiff to join him in his jacuzzi but Plaintiff declined his offer, informing him that she needed to clock out of work.

20.

After Plaintiff declined Defendant Bryant's offer to join him in his jacuzzi, Plaintiff attempted to leave the hotel room and Defendant Bryant blocked her exit from the room, asking her for a hug.

21.

Plaintiff hugged Defendant Bryant and he then began to kiss her lips and neck.

22.

After a short period of time kissing her, Defendant Bryant's voice became deeper and his acts became rougher as he started touching Plaintiff's breasts and groping her in her genital region and buttocks.

23.

When Defendant Bryant began touching Plaintiff's breasts and groping her in her genital region and buttocks, Plaintiff immediately asked him to stop and informed him that she needed to leave the hotel room.

24.

Defendant Bryant refused to allow Plaintiff to leave the room and stood between her and the room door.

25.

Defendant thereafter physically restrained Plaintiff with force and violence against her will by choking her with his hands around her neck while bending her over a chair in the hotel room.

26.

Defendant Bryant pulled his pants down and lifted Plaintiff's skirt, pulling down Plaintiff's panties while continuing to restrain Plaintiff by physical force and a perceived threat of potential strangulation if she resisted his advances.

27.

With she was bent over the chair and forced by Defendant Bryant to remain in that position, Defendant Bryant sexually assaulted and raped Plaintiff, by unlawfully and knowingly inflicting sexual intrusion and penetration of her vagina against her will and without her consent in violation of the laws of the State of Colorado, including in violation of C.R.S. 18-3-402(1)(a) & 4(a).

28.

On information and belief, Defendant Bryant has a history of attempting to commit similar acts of violent sexual assault on females he has just met and has thereby established a pattern and practice of such unlawful acts.

DAMAGES

29.

As a direct and proximate result of the sexual assault and rape perpetrated by Defendant Bryant upon her, Plaintiff has suffered stress, emotional distress and mental pain and suffering and adverse physical consequences.

30.

As a direct and proximate result of the sexual assault and rape perpetrated by Defendant Bryant upon her, Plaintiff has suffered physical pain and suffering.

31.

As a direct and proximate result of the sexual assault and rape perpetrated by Defendant Bryant upon her, Plaintiff has been subjected to public scorn, hatred, and ridicule and has suffered threats against her life and physical safety.

32.

As a direct and proximate result of the sexual assault and rape perpetrated by Defendant Bryant upon her, Plaintiff has incurred special damages, including medical and legal expenses.

33.

The sexual assault and rape perpetrated by Defendant Bryant upon Plaintiff was an intentional, criminal act.

34.

The conduct of Defendant Bryant demonstrates willful, reckless and intentional criminal conduct and that entire want of care that raises a conscious indifference to consequences.

At the appropriate time in this litigation, Plaintiff shall amend her complaint to assert a claim for punitive damages against Defendant Bryant pursuant to C.R.S. 13-21-102 in order to punish Defendant Bryant for his actions and to deter Defendant Bryant from repeating his criminal conduct.

WHEREFORE, Plaintiff demands:

- (a) A trial by jury;
- (b) That judgment be entered against Defendant, Kobe Bryant, for special damages and compensatory damages in an amount which shall be shown to be reasonable and just by the evidence and in excess of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interests and costs;
- (c) That all costs of this action be assessed against Defendant, Kobe Bryant, including all reasonable attorney's fees, costs and expenses of this action; and
- (d) That Plaintiff be awarded all other such relief as this Court deems just and proper.

WHEELER & CLUNE, LLC

404 Broadway
P.O. Box 3957
Eagle, Colorado, 91631
(970) 328-0660

/s/
John C. Clune, Esq.
Colorado State Bar No. 27684

L. LIN WOOD, P.C.

The Equitable Building, Suite 2140
100 Peachtree Street, NW
Atlanta, Georgia 30303
(404) 522-1713

/s/
L. Lin Wood, Esq.
Georgia State Bar No. 774588
Katherine M. Ventulett
Georgia State Bar No. 727027

**POWELL, GOLDSTEIN, FRAZER &
MURPHY, LLP**

[Motions for Admission Pending:]

Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303
(404) 572-6600

/s/

James C. Rawls
Georgia Bar No. 596050
Eric P. Schroeder
Georgia Bar No. 629880
S. Derek Bauer
Georgia Bar. No. 042537

ATTORNEYS FOR PLAINTIFF