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 ASHLEY WALTERS
 13

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

16 ASHLEY WALTERS,

17 Plaintiff,

18 v.

19 BRIAN WARNER, a.k.a MARILYN MANSON;
 20 MARILYN MANSON RECORDS, INC.; and
 DOES 1 through 10, inclusive,

21 Defendants.
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FILED
 Superior Court of California
 County of Los Angeles

03/11/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: P. Figueroa Deputy

Case No: 21STCV18680

[Assigned to the Honorable Michael L. Stern –
 Department 62]

**SECOND AMENDED COMPLAINT FOR
 DAMAGES**

1. Sex Discrimination in Violation of Cal. Civ. Code §§ 51, 51.5 and 52
2. Sexual Harassment in Violation of Cal. Civ. Code §§ 51.9 and 52
3. Sexual Assault in Violation of Cal. Civ. Code § 340.16
4. Interference with the Exercise of Civil Rights in Violation of the Bane Act, Cal. Civ. Code § 52.1
5. Sexual Battery in Violation of California Civil Code § 1708.5
6. Intentional Infliction of Emotional Distress
7. Battery
8. Assault

JURY TRIAL DEMANDED

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I. INTRODUCTION

1. Defendant Brian Warner a.k.a Marilyn Manson (“Warner”) used his position of power, celebrity and connections to exploit and victimize Plaintiff Ashley Walters (“Plaintiff”) during her employment for Warner and his record label, Marilyn Manson Records, Inc. Warner lured Plaintiff, an aspiring photographer at the time, into employment with promises of artistic collaborations and creative opportunities; however, the reality was that he was looking to create an environment where Plaintiff was subjected to personal and professional sexual exploitation, manipulation and psychological abuse.

2. The results of Defendants’ abuse were two-fold: (1) it was designed to and successfully did terrify, threaten and intimidate Plaintiff into remaining silent about his abuses, and (2) it traumatized Plaintiff so extensively that she developed Complex Post Traumatic Stress Disorder that caused the repression of numerous events of physical and emotional abuse directed towards her and others.

3. While many of the events outlined in this Complaint occurred years ago, Defendants are estopped from asserting any statute of limitations arguments due to their violent, threatening and unconscionable conduct.

4. Furthermore, Plaintiff was unable to recall many of the physical and emotional abuses until the Fall of 2020 when countless repressed memories flooded back to Plaintiff after meeting numerous other victims of Defendants and obtaining counseling from a mental health professional.

5. Warner’s scheme commenced upon first discovering Plaintiff through social media. As set forth herein, Warner set out to groom Plaintiff by building trust, dangling professional opportunities, and gaining access in order to ultimately manipulate and exploit her to the point that she was treated like property and offered up to sexually please Warner’s famous friends and business contacts.

6. While Plaintiff was being exposed to abusive and sexually explicit harassment and mistreatment she was incapable of identifying the abuse and therefore engaged in unconscious survival mechanisms.

7. Plaintiff is one of many women that Warner subjected to horrific physical, mental, and sexual abuse.

8. Many of these survivors, including Plaintiff, have recently spoken out, exposing Warner’s systemic abuse through lawsuits and the media.

1 9. In fact, as a result of those courageous enough to come forward, Warner is the subject of
2 an ongoing criminal investigation into his abusive behavior towards women.

3 **II. JURISDICTION AND VENUE**

4 10. Venue is proper based on the location of the Defendants in Los Angeles County and the
5 location of the commission of the acts alleged herein in Los Angeles County. The relief requested is within
6 the jurisdiction of this Court.

7 11. This case is properly filed in this court. The parties are citizens of California. The Plaintiff
8 seeks significant relief from the Defendant, whose conduct forms a significant basis for the claims asserted
9 by the Plaintiff. The principal injuries resulting from the alleged conduct or any related conduct of each
10 Defendant were incurred in California.

11 **III. PARTIES**

12 12. Plaintiff Ashley Walters is a person who was aggrieved by Defendants' actions. She is and
13 has been, at all relevant times, a citizen of the United States of America and is currently residing in the
14 State of California, Los Angeles County.

15 13. Upon information and belief, Defendant Brian Warner is, and at all times relevant hereto,
16 an individual residing in Los Angeles County.

17 14. Upon information and belief, Defendant Marilyn Manson Records, Inc. is, and at all times
18 relevant hereto, a corporation registered in State of California with its headquarters and principal place of
19 business located at 12100 Wilshire Blvd., Suite 1540, Los Angeles, CA 90025 in Los Angeles County and
20 conducting business in California.

21 15. The true names of Defendant Does 1 through 10, inclusive, are presently unknown to
22 Plaintiff, who therefore sues each of these Defendants by such fictitious names. Upon ascertaining the
23 true identity of Doe Defendants, Plaintiff will amend this complaint, or seek leave to do so, by inserting
24 the true name in lieu of the fictitious name. Plaintiff is informed and believes, and on this basis of such
25 information and belief alleges, that each Doe Defendant is in some manner legally responsible for the
26 acts, omissions, injuries, and damages herein alleged.

27 **IV. STATEMENT OF BACKGROUND FACTS**

28 16. Brian Warner, fifty-three (53) years old, began his career as a musician in or around 1989.

Throughout his professional career Warner has been involved in various artistic ventures – most notably in music, production, film, and television. Through his endeavors he has gained influence and power in the entertainment industry.

17. Warner has gained particular fame and notoriety over the years as a result of his controversial image and stage persona alter ego, Marilyn Manson – created by adopting the first name of Marilyn Monroe and surname of infamous serial killer and cult leader Charles Manson.

18. In or about 1999, Warner founded Marilyn Manson Records, Inc. In his capacity as musician and CEO, he employed various staff members and assistants, including Plaintiff, over the years to assist in facilitating his various professional and personal endeavors.

19. In March 2010, Warner reached out to Plaintiff via social media to compliment her photography.

20. Walters, an aspiring professional photographer, was thrilled that someone in the creative and entertainment field like Warner recognized and admired her photography.

21. Throughout the next month, Warner continued to frequently call and text message Walters from his personal phone number. He suggested that they collaborate on future artistic endeavors, which Plaintiff was excited to discuss. Warner ultimately gave Walters the address to his home, which was also his recording studio, so they could meet to discuss business.

22. From Plaintiff's first meeting with Warner, he used scare tactics, threatening acts, and psychological manipulation to exploit, abuse, and isolate her; induce her to trust and endure his mistreatment and abuse; and to gain her submission and silence.

23. In May 2010, Warner asked Walters to come to his home/studio in West Hollywood to discuss potential creative collaborations. Plaintiff agreed.

24. When Walters arrived, she was instructed to park her car in the business lot behind Warner's residence/studio. She did not know at the time that the parking lot was locked from 2 a.m. to 7 a.m.

25. As Walters entered Warner's residence, she was disoriented by the almost total darkness inside despite it still being light outside.

26. Walters and Warner began looking through art books, paintings, and journals. Walters was

1 excited to be discussing artwork with an artist she admired.

2 27. As the day turned into night, Warner's assistant and bandmates left and Walters was alone
3 with Warner for the first time. He asked to take photographs of Walters. She agreed. As Warner continued
4 taking photographs, he asked Walters to remove her shirt. Walters, an artist herself, was not opposed to
5 provocative art in theory, but the way in which Warner insisted caused her to pause. Eventually, Walters
6 agreed to remove her shirt but not her bra.

7 28. After Warner finished taking photographs of Walters, he pushed her onto his bed and
8 pinned down her arms.

9 29. During the assault, Walters turned her head away as Warner tried to kiss her on the lips
10 and quickly moved away from Warner.

11 30. Warner then moved behind Walters and bit her ear while grabbing her hand and placing it
12 in his underwear.

13 31. Walters again moved away from Warner and, realizing it was now almost 7 a.m., she was
14 able to leave.

15 32. Immediately after Walters left, in an act of psychological manipulation, Warner bombarded
16 her with text messages praising her and telling her how much he loved their conversations and looked
17 forward to working with her.

18 33. Walters left Warner's residence after their first meeting feeling confusion and fear, but she
19 also felt excitement about their creative connection and similar artistic interests. She felt lucky that Warner
20 recognized her photography talent and looked forward to working with him creatively.

21 34. Following the photo shoot, Warner continued to communicate with Plaintiff about artwork
22 and other opportunities with his record company, Marilyn Manson Records, Inc. The conversation
23 remained professional and friendly. As a result, Plaintiff believed that they were on the brink of potentially
24 forging a professional relationship and that Warner would respect her professional boundaries moving
25 forward.

26 35. Soon thereafter, at his insistence, Plaintiff modeled for a photo shoot for Warner where she
27 was topless and only wearing pantyhose. Warner did not make any overt sexual advances on Plaintiff at
28 that time. As a result of this kind of psychological manipulation, Plaintiff was induced to trust Warner and

1 further repress his abuse.

2 36. Sometime after this photo shoot, Warner asked Walters to be his director of photography
3 and to perform in a video shoot on behalf of Marilyn Manson Records, Inc. Warner told her that it
4 would be an “audition” so that he could analyze her creative skills.

5 37. During the shoot, Warner told Walters he “loved when girls looked like they had just
6 been raped” and told her to wear a Nazi jacket, slick her hair with water, put on heavy black eyeliner,
7 and wear slightly smeared red lipstick.

8 38. Warner ordered Walters to remove all of her clothing except her underwear and Nazi
9 jacket and get into bed with the actor who was also part of the video shoot.

10 39. Warner then painted Walters’ nipples red while reiterating that it was “purely
11 professional.”

12 40. The video shoot involved images being projected onto Walters and the actor while
13 Walters kissed him.

14 41. Indeed, as Walters moved slightly on the bed, she realized that the actor had unzipped his
15 pants and was touching his penis under the comforter.

16 42. It eventually became clear to Walters that Warner either planned or was aware that the
17 actor was touching himself because Warner told Walters to “help” the actor.

18 43. Warner praised Walters for being so amazing during the shoot, reiterating that he liked
19 that the actor was attracted to her.

20 44. Walters attempted to diffuse the situation by making small talk while she hurried to get
21 dressed. When she attempted to leave the room, the actor threw her against the wall and roughly shoved
22 his tongue into her mouth.

23 45. During the weeks that followed the video shoot, Warner continued to tell Walters how
24 much he loved her work. Warner was overly effusive in praising Walters. His expert manipulation was
25 both calculated and effective.

26 46. During these conversations, Walters disclosed to Warner that she was a survivor of a
27 prior sexual assault.

28 47. Ultimately, in or around August 2010, Warner, in his capacity as CEO of Marilyn

1 Manson Records, Inc., asked Walters to work as his Personal Assistant by telling her that he would pay
2 her double what she was earning at her then production company job.

3 48. Warner informed Walters that although her official title would be his “Personal
4 Assistant,” she would focus on his art projects and other artistic endeavors with Marilyn Manson
5 Records, Inc.

6 49. Warner glorified Plaintiff’s role telling her that she would travel internationally with him
7 and take over the world with “their” art.

8 50. He promised to advance her career and told her that she would shoot the cover art for his
9 albums and go on his world tours.

10 51. Warner also promised her that he would connect her with other directors and artists in the
11 industry with whom she admired and wanted to work.

12 52. These false promises were a further effort by Warner to mislead and manipulate Plaintiff.
13 As she realized in therapy, beginning in the Fall of 2020, by that point Warner had already manipulated
14 Walters to such an extent that she unconsciously ignored the red flags. Instead, she relied on Warner’s
15 promises, believing it could be an incredible opportunity to become involved in the creative
16 entertainment field – one that would not be likely to come around again – so she accepted the position.

17 53. Defendants presented Walters with a confidentiality agreement regarding private and
18 otherwise confidential information she may acquire during their working relationship. However, she
19 later came to realize that this agreement was illusory, overreaching, and served to protect a serial sexual
20 predator who engaged in extensive unlawful behavior that would ultimately be publicized by numerous
21 victims of his abuse, terror, and crimes.

22 **V. PLAINTIFF DID NOT DISCOVER ALL OF HER CLAIMS UNTIL 2020 OR LATER**
23 **AND NEW MEMORIES CONTINUE TO SURFACE THROUGH THE ASSISTANCE OF**
24 **THERAPY**

25 ***A. Facts Plaintiff first recalls in Fall of 2020 or later and are actionable under the***
26 ***discovery rule***

27 54. Plaintiff’s claims are timely and actionable under the discovery rule, as the abuse and
28 trauma Plaintiff endured triggered a psychological response whereby she suppressed certain memories,

1 and she did not remember many of them until at least late 2020 when she (a) joined the support group and
2 (b) entered therapy.

3 55. The previous sexual assault Plaintiff experienced before she met Warner created a
4 significant trauma that did not allow her to fully understand or process the harm Warner inflicted on her
5 which resulting in near immediate repression of ongoing traumas.

6 56. In the Fall of 2020 or later, during therapy, Walters remembered for the first time that
7 Warner physically whipped her and others in her presence while joking that they could “take” it.

8 57. In the Fall of 2020 or later, during the support group, Plaintiff remembered for the first
9 time two incidents in which Warner threw food and plates directly at her, which struck her.

10 58. In the Fall of 2020 or later, through the support group, Walters recalled for the first time
11 that on at least one occasion, she was unable to get herself to safety during one of Warner’s drug-induced
12 rages. She remembered for the first time that Warner threw her into a wall before she could escape when
13 she got in between Warner and a band member during a physical altercation.

14 59. In the Fall of 2020 or later, through the support group, Walters recalled for the first time
15 that during another incident Warner charged at her and a band member threw her out of the way so that
16 Warner could not reach her. The band member later told her that he believed that Warner would have
17 knocked her unconscious if he did not intervene.

18 60. In the Fall of 2020 or later, during the support group, Walters remembered for the first time
19 that Warner showed her a video he made depicting his abuse of a young female fan, which showed Warner
20 stripping her down and whipping her until she screamed and cried. Walters remembered for the first time
21 that the video portrayed Warner forcing the girl to drink urine, pointing a gun at her, and placing the gun
22 inside her underwear while making her recite bible verses.

23 61. In the Fall of 2020 or later, through therapy, Walters remembered for the first time that in
24 or around September 2010 at the Spike TV Scream Awards in Los Angeles, an intoxicated Warner pushed
25 Walters onto the lap of an actor and bragged that the actor could “have her.” The actor proceeded to kiss
26 Walters and keep her on his lap without her consent.

27 62. Since the Fall of 2020 Walters recalled for the first time that Warner commonly offered
28 her up to his influential industry friends and associates.

63. In the Fall of 2020 or later, Plaintiff learned for the first time that Warner was bragging to the actor that he could get Plaintiff to sleep with the actor. It was only years later with the help of the support group and therapy that Walters realized for the first time this was a pattern of behavior that Warner engaged in, in which he placed her in dangerous situations to satisfy his own desires to impress those around him and control others.

64. In the Fall of 2020 or later, Plaintiff recalled for the first time during therapy that the actor who sexually assaulted her with Warner's encouragement and "permission" also subjected her to several other sexual assaults.

65. In the Fall of 2020 or later, Plaintiff recalled for the first time that the actor walked her to her car and asked her to go somewhere, like a park, to have sex with him. When she refused, the actor stared at her in confusion, as if there was already an understanding in place that she would have sex with him.

66. In the Fall of 2020 or later, during therapy, Plaintiff recalled for the first time an incident at Warner's house where she was followed into the bathroom by the actor who demanded that she pee in front of him. He then refused to allow Walters to use toilet paper and proceeded to lick her vagina. The actor then grabbed Walter's face and kissed her on the mouth and said, "See, that's you."

67. In the Fall of 2020 or later, during therapy, Walters recalled for the first time that after Warner "offered" her to a director during a group outing, the director groped Walters repeatedly throughout the night and once they returned to Warner's residence, the director cornered her and shoved his hand up her skirt while covering her mouth so his date could not hear. Plaintiff has since the Fall of 2020 recalled for the first time at least four (4) additional traumatic sexual situations she was placed in with this director as a result of her employment with Warner. For example, Walters was routinely required to drive this director home. During those drives, the director would tell her that he masturbates to her, expose himself, and request oral sex.

68. In the Fall of 2020 or later, during therapy, Walters recalled for the first time that after Warner forced her to flirt with a musician, the musician bit her nipple while Warner encouraged it and took photographs. She also recalled that she was too fearful to complain or remove herself from the situation without invoking Warner's rage, and that the musician's management team was so "impressed"

1 by her forced subservience and ability to handle difficult behavior that they attempted to “buy” her away
2 from Warner.

3 69. In the Fall of 2020 or later, during therapy, Walters remembered for the first time an
4 incident where she was forced to lock herself in Warner’s room when he became angry that she was not
5 responding quickly enough to his guests. She recalled for the first time feeling terrified that he would
6 physically harm her so she refused to open the door. She remembered for the first time that Warner began
7 screaming at her to open the door while pounding on it with his fists, and eventually broke down the door.
8 She also recalled for the first time being on the phone with her family when he broke into the room, which
9 caused him to pause, so he did not physically harm her.

10 70. In the Fall of 2020 or later, during therapy, Walters remembered for the first time that
11 Warner forced Plaintiff to stay up for 48 hours straight multiple times. She recalled that Warner forced
12 her to stand for twelve (12) hours straight on a chair without moving while taking pictures of him. She
13 remembered that Warner fed her cocaine to force her to stay awake.

14 71. In the Fall of 2020 or later, through the support group, Walters recalled for the first time
15 incidents in which she witnessed Warner throwing hatchets into the wall when he was angry. She further
16 remembered for the first time that she would arrive at work and find hatchets buried into the wall. Warner
17 refused to allow Walters or others to remove them.

18 72. In the Fall of 2020 or later, through work with her therapist, Plaintiff recalled a video
19 recording of Warner discussing rape in which he states: “Carnies – those men that rape women but don’t
20 get away with it like I do.”

21 73. In the Fall of 2020 or later, through the support group, Plaintiff remembered for the first
22 time that Warner threw a drinking glass at his then-girlfriend, which smashed into the wall and shattered.
23 She remembered for the first time that when Warner’s girlfriend began to cry, he ordered Walters to take
24 photographs of her crying despite objections from this girlfriend.

25 74. In the Fall of 2020 or later, after another victim who was not part of the support group
26 reached out to her, Plaintiff recalled for the first time additional incidents of Warner throwing objects at
27 numerous other people.

28 75. In the Fall of 2020 or later, after another victim who was not part of the support group came

1 forward, Walters remembered for the first time an incident in which Warner was fighting with a girlfriend
2 in front of her. Walters recalled that Warner was screaming at both her and the girlfriend, and that in the
3 middle of screaming at them, Warner ordered both of them to begin dancing and singing karaoke. Walters
4 for the first time remembered the fear that she felt about Warner's rage during this incident and that if they
5 did not comply, Warner's rage would only increase. As a result, Walters remembered for the first time
6 that she and Warner's girlfriend did their best to act happy and dance for him despite feeling terrified.

7 76. In the Fall of 2020 or later, during therapy, Walters recalled for the first time that Warner
8 routinely told her that he wanted to kill women he was involved with. For example, as part of the work
9 with her therapist, Plaintiff recalled a text message that Warner sent to her saying that he "wanted to put
10 a hatchet in Evan's head," a text message in which Warner says that he wants to "smash Evan's head in,"
11 a text message from Warner in which he states: "Glass in studio. Went south. Not good. [Former girlfriend]
12 Esme [Bianco] is gonna get the brunt of this. Don't care. I'm clenching my fists before I throw every
13 twiggy guitar out the door. My fingers are cut from lightbulba [sic]," and a text message in which Warner
14 states that it is "Dexter [fictional serial killer] time" in response to learning that actor Jared Leto was on
15 set with Warner's girlfriend.

16 77. In the Fall of 2020 or later, through the support group, Walters recalled for the first time
17 sneaking food and drinks to Warner's girlfriends while they hid in the guest bathroom. She remembered
18 that they were often starving and distraught.

19 78. In the Fall of 2020 or later, Plaintiff recalled for the first time during therapy that during
20 her first meeting with Warner in May 2010, she was so cold during the photo shoot that she was shivering,
21 and her teeth were chattering. While it was partly caused by the temperature Warner maintained in his
22 home, it was also caused by the extreme state of fear that she was in at the time. It was only through
23 therapy that Plaintiff began to understand and remember her body's reaction to that terrifying moment.

24 79. In the Fall of 2020 or later, through her work with her therapist, Walters remembered for
25 the first time that while in Vienna with Warner, he met with a young girl who he invited to his hotel room.
26 Walters recalled for the first time that Warner bragged to her about having sex with the young girl and
27 that he texted her from his hotel room saying he took the girl's virginity.

28 80. In the Fall of 2020 or later, during therapy, Plaintiff recalled for the first time that Warner

1 forced her to go onto the roof and cut wires because he believed the neighbors were tapping his phone.

2 81. In the Fall of 2020 or later, during the support group, Walters learned for the first time that
3 Warner sent out a blast email and text message thread to colleagues and bandmates including an image
4 attachment of Walters' worn underwear in an attempt to publicly embarrass her.

5 82. In the Fall of 2020 or later, when another victim who was not part of the support group
6 came forward, Plaintiff learned for the first time that Warner texted multiple individuals to try to either
7 obtain her mugshot or to figure out how to obtain it so that he could make and distribute artwork displaying
8 it.

9 83. In the Fall of 2020, Walters learned for the first time from others who worked for Warner
10 that he secretly recorded her phone calls with the goal of collecting damaging information about her to
11 use against her if needed.

12 84. While Walters cannot precisely recall the exact time she began repressing those memories,
13 she now knows that it was necessary for her to do so in order to survive working for Warner.

14 85. It took Plaintiff years, speaking with others in the support group, and attending therapy, to
15 understand the extent and wrongfulness of, and recall all of the abuse that Warner subjected her to. She
16 continues to unlock suppressed memories to this day. It was not until this support group that Plaintiff
17 learned that pushing and biting could constitute battery, that throwing objects at or near someone could
18 constitute assault, that a cause of action for emotional distress exists, and that Plaintiff came to understand
19 the concepts of grooming used in abusive situations.

20 86. Further, through the continued efforts of the support group and receiving consistent mental
21 health treatment since the Fall of 2020, Plaintiff has remembered having her first panic attack while
22 working for Warner. The panic attacks have continued since that time.

23 ***B. Support Group***

24 87. In October of 2020, Plaintiff met with a group of individuals who had also been victimized
25 by Warner. The support group included several of Warner's ex-girlfriends such as Wood, Bianco, and
26 Ashley Morgan Smithline ("Smithline"). It was during this meeting, subsequent discussions and her own
27 personal therapy that Plaintiff began to recall numerous events of her own abuse and mistreatment that
28 gave rise to her legal claims against Defendants. Plaintiff also realized, with the continued treatment from

her therapist, that what she suffered during her employment was not only traumatic, but unlawful.

88. While the support group was comprised of numerous survivors of Warner's, numerous additional survivors came forward thereafter. Plaintiff did not know all of the survivors prior to the Fall of 2020 or later.

89. Through her involvement in the support group, Plaintiff learned about a whole new side to Warner's manipulative behavior. The stories shared by multiple survivors involved in the group revealed a common thread of Warner's horrific abusive behavior. Several of the women revealed they had been sexually assaulted, raped, and physically and psychologically abused by Warner. Many of the survivors suffer from post-traumatic stress disorder (PTSD) as a result of the mistreatment. In addition to the support group members, additional individuals came forward to share stories about Warner's abuse.

90. Publicist Annie Abrams ("Abrams") and Artist Gabriella Accarino ("Accarino") identified Warner as their rapist and detailed other physical abuse experienced at his hands throughout their relationships with him.

91. Model Sarah McNeilly ("McNeilly") revealed being locked out of Warner's house in little to no clothing when she was 'bad,' being isolated from family and friends, and thrown up against a wall by Warner who threatened to bash her face in with a baseball bat.

92. Musician Chloe Black ("Black") revealed she was heavily bruised as a result of Warner's physical abuse, and that he did not allow her to eat, sleep, or leave his house.

93. Model Scarlett Kappella ("Kappella") revealed Warner's control over when she was allowed to speak, what she was allowed to wear, and how she was allowed to style herself.

94. Stylist Love Bailey ("Bailey") revealed Warner put a gun to her head during her first encounter with him while she was working on a photo shoot with him. While at his studio, she saw his glass closet "bad girl room" and several disturbing artwork pieces throughout the studio.

95. Musician Phoebe Bridgers ("Bridgers") recounted visiting Warner's house as a teenager wherein he referred to a room as "the rape room."

96. Musician Ellie Rowsell ("Rowsell") revealed Warner filmed up her skirt with a GoPro camera when they first met at a music festival.

97. Musician Spencer Rollins ("Rollins") and former Personal Assistant Dan Cleary ("Cleary")

1 detailed witnessing Warner's abusive behavior towards women he was involved with on several
2 occasions.

3 98. Rollins recounted witnessing Warner's abuse of Wood throughout their romantic
4 relationship. Warner harassed him, and threatened to kill and destroy him as a result of his friendship with
5 Wood.

6 99. Cleary recalled seeing Warner frequently throw things and threaten to kill his then
7 girlfriend.

8 100. Additionally, the support group revealed that branding was a tactic frequently utilized by
9 Warner. Smithline revealed being branded with Warner's initials by a knife.

10 101. Bianco revealed being cut and marked with a Nazi knife by Warner during sex. On one
11 occasion, he chased her with an axe. On another occasion, he tied her to a prayer kneeler, beat her with a
12 whip, and electrocuted her. Warner would later revel in his gruesome behavior by taking pictures of her
13 scarred body.

14 102. Several women, including Smithline and Accarino, shared similar stories of Warner's
15 proclivity for blood pacts and other psychologically coercive tactics.

16 103. From this meeting and subsequent discussions in or after the Fall of 2020, Plaintiff realized
17 that those not involved in romantic relationships with Warner were similarly branded with matching twin
18 tattoos. She had been branded by Warner when she received a tattoo that matched a tattoo that Warner
19 would then have tattooed on himself. At the time she was tattooed, she believed it was a sign of inclusivity.
20 Plaintiff was manipulated into thinking that the tattoo was a sign of acceptance since Warner's band
21 members and close friends also prominently displayed similar tattoos.

22 104. Plaintiff also discovered in the Fall of 2020 that Warner called the glass closet displayed
23 in his dimly lit bedroom the "bad girl room" because women were locked inside when they did something
24 that displeased Warner. Smithline revealed being frequently sent to the room throughout the course of
25 their relationship. When Plaintiff learned about the true use of the "bad girl room" she recalled for the
26 first time, additional incidents in which Warner deliberately made a mess in the closet and forced her to
27 clean it.

28 105. The abuse and treatment described by women of the support group resonated deeply with

Walters. As his Personal Assistant, Walters suffered similar manipulation and psychological abuse. Warner's harassing, degrading, offensive, and discriminatory behavior created an abusive and harmful environment, in which Walters was frequently and routinely berated in front of others.

106. Moreover, through the recent revelation of Warner's pattern of conduct towards women, Plaintiff has also received reports from others that establish a pattern of abusive and coercive treatment towards those Warner encountered over his long career.

C. Plaintiff's therapy, diagnosis and inability to investigate any potential claims

107. It was through this experience within the safety of the support group in or after October of 2020 that Walters was first able to begin to recall the full extent of her own abuse by Warner, the wrongfulness of his conduct, and that the actions committed by Warner constituted various legal claims including sexual assault and battery. Hearing the experiences of others began to unlock new memories that she repressed long ago as a result of her psychological trauma by being manipulated and threatened by Warner during and after her employment, particularly since she previously experienced a sexual assault.

108. In November 2020, Plaintiff began to see a Licensed Clinical Social Worker regarding her memories and the trauma that began to resurface once Plaintiff met with several of Warner's victims. Plaintiff's treatment continues to this day on a weekly basis.

109. In or around December 2020, Plaintiff was diagnosed with Complex Post Traumatic Stress Disorder, Major Depressive Disorder and Generalized Anxiety Disorder which evidenced the repression of many of the most traumatic events of abuse, hostility and degradation Plaintiff experienced in her time working for Defendants. Notably, Plaintiff's diagnosis evidences that her inability to recall all of Warner's conduct prior to this time was based on a combination of the threatening behavior from Warner as well as the repressed memories of his most violent and aggressive abuse.

110. As Plaintiff suffered previous sexual trauma before working for Defendants, she was even more vulnerable and unconsciously employed several defense and coping mechanisms that enabled her to survive through the abusive treatment in her life and her time exposed to Defendant Warner.

111. As a result of the culture of manipulation, abuse, violence, praise, coercion, power and influence as a celebrity implemented by Warner, Plaintiff unknowingly and almost immediately repressed

1 at least some of the abuse she was subjected to by Warner. Until receiving treatment, Plaintiff was unable
2 to remember all these events and once she did recall them, she was unable to immediately identify these
3 events as abuse. Instead, as a coping and survival mechanism, she focused on work and the opportunities
4 it afforded her by burying the trauma.

5 112. As a result of her history of abuse, which Warner specifically knew and preyed upon,
6 Plaintiff through therapy recalled that she was often unable to say no to him or stop the abuse while it was
7 taking place and instead she buried most of the memories altogether. Moreover, Defendant Warner
8 created an environment where all those around him could not say no or raise complaints to others without
9 fear of his reprisals and violent response.

10 113. Warner created a traumatic environment that caused Plaintiff to have to repress memories
11 in order to cope, including for example:

- 12 a. As many abusers do, Defendant Warner specifically created a cult like environment where
13 he was to be worshipped and praised and never criticized or confronted. Defendant Warner
14 also routinely expressed and evidenced the drastic repercussions those who challenged him
15 faced. This environment was intentionally designed to create tangible fear into those who
16 even considered standing up to him. Warner created a world that allowed him to avoid
17 culpability through intimidation and by instilling tremendous fear in his victims. The result
18 was that some of those who survived the trauma of exposure to Warner, like the Plaintiff,
19 did so by repressing and/or burying the specific memories.
- 20 b. In Plaintiff's case, while she was unable to recall many of the specific events of abuse she
21 suffered, she maintained an underlying sense of fear of being killed, harmed, stalked,
22 destroyed, violated or humiliated by Defendant.
- 23 c. Plaintiff disconnected from the abuse and emotion tied to the abuse in order to cope and
24 survive horrifying conditions, but she lived with a long-lasting fear that forced her to avoid
25 unlocking the vast majority of these memories at all costs.
- 26 d. The environment Warner created contributed to the disconnection and repression of
27 significant memories and abuse.
- 28 e. Although she did not technically live in-house, Walters was required to spend the vast

majority of her time at Warner's residence, and her workday typically began around 5 p.m. and continued throughout the duration of the night. She was often forced to stay at Warner's residence for days at a time because he refused to allow her to leave.

f. Warner maintained a peculiar and disorienting home and workplace. The interior of the home was covered in graffiti, blood, and inappropriate phrases, all of the furniture throughout the house/workplace was black, the carpet was black, the music studio's double doors were covered in explicit pornographic images, and every window was covered with blackout curtains to prevent any outside light from entering the home/workplace. The rooms were kept dark with a few dimly lit lamps as the only source for light. As a result, Walters and other employees used flashlights and LED headlamps to find their way around the residence.

g. Employees including Plaintiff were also not permitted to keep the temperature of the house/workplace above 65 degrees. If the temperature rose above 65 degrees, Warner would explode in anger and screaming fits to the extent that he would regularly break furniture and household items in Walter's presence. At times she would have to move out of the way to avoid being hit with debris. Warner would also deliberately destroy things and make messes throughout the home and studio in order to force Plaintiff to organize and clean up after him, as a form of control and manipulation.

114. Even after leaving Defendant Warner's employment, Plaintiff continued to remain disconnected from the memories of abuse she suffered and could not exercise any diligence in uncovering them as they were blocked from her memory. She unconsciously avoided any steps that would enable her to uncover her memories and determine any legal claims she may have had regarding the treatment and abuse she suffered.

115. Once Plaintiff participated in the support group and heard the stories recounted by numerous other women beginning in the Fall of 2020, memories she had repressed became reactivated and came into her conscious memory.

116. Until these memories were more fully unlocked and available to her, Plaintiff was unable to reasonably inquire into or investigate any of her possible claims against Defendants.

1 ***D. Plaintiff's claims do not accrue until Fall of 2020 or later***

2 117. Once Plaintiff was able to recall the suppressed memories of her abuse, and with
3 Defendants losing any real power to continue to threaten or intimidate her, Walters immediately exercised
4 reasonable diligence to pursue her claims.

5 118. Plaintiff reported the physical and emotional abuse she suffered and now recalled to the
6 Los Angeles Sheriff's Department on February 19, 2021 – less than three months after she began therapy.
7 She then immediately sought counsel and instituted this action on May 18, 2021, within seven (7) months
8 of joining the support group, and within six (6) months of beginning therapy.

9 119. Thus, if a court finds that any of Walters' causes of action would have expired by the time
10 this action was filed, the statute of limitations period for her causes of action were tolled and are timely
11 pursuant to the discovery rule.

12 **VI. DEFENDANTS ARE ESTOPPED FROM RAISING A STATUTE OF LIMITATIONS**
13 **DEFENSE BECAUSE THEY ROUTINELY USED VIOLENCE, THREATS, COERCION**
14 **AND OTHER UNCONSCIONABLE CONDUCT TO GAIN PLAINTIFF'S**
15 **SUBMISSION AND SILENCE**

16 120. In the alternative, Defendants are estopped from raising a statute of limitations defense to
17 all of Plaintiff's claims because they subjected her to unconscionable acts including but not limited to
18 threats, violence, intimidation, coercion, and/or misrepresentations. Furthermore, although Plaintiff did
19 not repress all memories of all of Defendants' abuse, and retained memories of certain actionable conduct,
20 those claims are not barred because equitable tolling applies.

21 121. Defendants utilized various methods of violence, threats, intimidation, psychological
22 manipulation and control to secure Plaintiff's silence.

23 122. The effects of Defendants' violence, threats, intimidation, coercion and other
24 unconscionable conduct deterred Plaintiff from pursuing her legal claims as to the unlawful conduct she
25 could recall for years following the termination of her employment. The effects of Defendants' violence,
26 threats, intimidation, coercion, and other unconscionable conduct did not diminish until the public
27 exposure of Defendants' behavior and Plaintiff's knowledge of criminal investigations of Defendants'
28 conduct. This, coupled with the strength Plaintiff and the other victims garnered from sharing their

1 experiences with one another and seeking counseling, altered the threat level and helped Plaintiff feel safe
2 enough to come forward.

3 123. While Plaintiff repressed many of the actual events that would cause her to take steps to
4 assert her claims or investigate the nature of her claims, Defendants created an environment of fear and
5 coercion which furthered the suppression of memories of abuse and also created an innate sense of fear
6 of physical abuse, stalking, legal action or blackmail which further served to silence Plaintiff and others.

7 124. Warner used both direct and indirect forms of threatening and coercive behavior.

8 ***A. Warner used physical violence and threats to silence Walters***

9 125. Warner created an environment that not only served to disorient and confuse his victims,
10 but also to gain control over all their behavior by rebutting any disobedience with physical and
11 psychological abuse. This was also designed to further threaten and coerce Walters into silence.

12 126. For example, Warner routinely engaged in physical violence with those around him,
13 including Plaintiff. He would push, whip, spit, charge at, kick and forcibly touch those he would get into
14 an altercation with. He often did so while brandishing various types of weapons he owned.

15 127. Warner frequently destroyed furniture, electronics, and other fixtures in his home during
16 fits of rage. On a regular basis, Walters witnessed Warner throw breakable items within his reach including
17 dishes, cups, props, books, and DVD's. For example, Warner punched holes in walls and doors, and ripped
18 doors off their hinges.

19 128. Sometimes Warner threw items directly at specific people in his vicinity; other times he
20 threw them without a specific target. At all times, Warner threw items hard enough to smash into small
21 pieces without regard for who they may hit.

22 129. On at least three occasions, two of which Plaintiff did not recall until the Fall of 2020,
23 Warner specifically threw food and plates at Walters, which struck her, when he was unhappy with
24 something she did or did not do. While her injuries were not significant enough to require medical
25 attention, she would have been too afraid to seek it regardless, out of fear of further enraging Warner.

26 130. Walters also witnessed Warner throw objects at numerous other people, including ex-
27 girlfriends, band members, and others he invited to his home/workplace.

28 131. For example, on one occasion in December 2010, Walters witnessed Warner throw a prop

1 skull so hard at his former fiancée, Evan Rachel Wood, that it left a large, raised welt on her stomach.
2 Rather than being permitted to comfort Wood, Warner made Walters take a photo of Wood's injury.

3 132. In the Fall of 2020 or later, Walters recalled that on another occasion, she witnessed Warner
4 throw a drinking glass at his then-girlfriend, which smashed into the wall and shattered. When Warner's
5 girlfriend began to cry, he ordered Walters to take photographs of her crying despite objections from this
6 girlfriend.

7 133. Following these episodes, he would then assign Walters the near impossible task of
8 rearranging everything back to its original state. Warner used this as an excuse to berate her for not
9 completing the task fast enough.

10 134. Warner used other scare tactics and threatening acts to exert dominance over, and gain
11 submission from those around him through fear, including Walters and other employees. For example, on
12 several occasions he brandished whips, hatchets, axes, and baseball bats, in the presence of Warner and
13 other employees. Plaintiff witnessed all of these weapons in Warner's possession in addition to crop riders,
14 a BB gun, an electric wand, multiple knives, and prop guns.

15 135. In addition, another former employee told Plaintiff that Warner used a Taser to see if it
16 would make this employee "pee" and cry. When they did not cry, Warner rubbed tiger balm into their
17 eyes.

18 136. In the Fall of 2020 or later, through the support group and therapy, Plaintiff recalled for
19 the first time numerous other instances of abuse by Warner, which subconsciously compounded her
20 fear of him, and serve as examples of the type of unconscionable conduct he routinely engaged in
21 which deterred her from filing suit. See supra paragraph nos. 56-87.

22 ***B. Warner collects collateral on Walters to silence her***

23 137. Warner frequently collected "collateral" to assure silence by those around him.

24 138. For example, Warner took and maintained ownership over photographs and videos of
25 Walters wearing Nazi memorabilia and posing in the nude for what she believed were "artistic" purposes.

26 139. For years, Walters was petrified Warner would release a photograph that would damage
27 her reputation or paint her in a horrible light. Warner also placed drugs in his luggage while traveling
28 internationally and then put his bag in her name at the airport in order to obtain compromising information

1 that he could use to blackmail and control Walters should she ever speak out against him.

2 140. Warner recorded Walters' phone calls in order to catch her making damaging comments,
3 took videos of Walters ingesting drugs, and took photographs of her topless with the implicit threat that
4 he would publicize them if she went against him. Walters previously witnessed Warner release nude
5 images of other women online without their consent so she knew what he was capable and willing to do.

6 141. Warner leveraged his relationships with other influential male artists and celebrities to
7 further silence Walters by taking photographs of Walters in compromising situations with some of these
8 men in order to secure additional collateral.

9 142. During these photo and video shoots with other influential male artists and celebrities,
10 Warner routinely encouraged, promoted, and expected Walters to "please" his friends in whatever way
11 they desired. Not only would Warner often photograph or record these incidents to use as collateral, but
12 he would threaten Walters that if she did not please them, the male artists and celebrities could blacklist
13 her from future work opportunities.

14 ***C. Warner uses psychological manipulation and threats to coerce silence***

15 143. Warner intentionally created an atmosphere that was isolating and began refusing to allow
16 Walters to visit friends and family on most holidays or take any time off.

17 144. Plaintiff recalled in the Fall of 2020 that, while employed by Warner, he showed her a
18 video he made depicting his abuse of a young female fan, which showed Warner stripping her down and
19 whipping her until she screamed and cried. Warner also forced the girl to drink urine, pointed a gun at her,
20 and placed the gun inside her underwear while making her recite bible verses.

21 145. Warner repeatedly played the video for Plaintiff at maximum volume.

22 146. Plaintiff witnessed Warner and his then-girlfriend attempt to poison a woman by squirting
23 Visine eye drops into her drink because Warner felt that the woman was getting in the way of his
24 relationship with the woman's boyfriend.

25 147. Warner constantly talked about his ability to stalk, kill and ruin the lives of those who
26 challenged him or were disobedient, whether it be a band member, an employee, another celebrity or a
27 significant other. He also openly and regularly discussed that he knew where these individuals lived and
28 how he would make them regret ever disobeying or exposing him.

1 148. Walters frequently saw Warner engage in similar smear campaign tactics in order to
2 destroy the careers of music producers and bandmates that he worked with. Warner would orchestrate
3 elaborate plans in order to embarrass them and ruin their reputation in the industry if they did not do as he
4 wished.

5 149. On one occasion Plaintiff witnessed Warner secretly record a phone call with a music
6 producer Warner was collaborating with and coerce the producer into making damaging comments.
7 Warner then spread the recording to other music producers and industry figureheads. Ultimately, the
8 producer quit their project.

9 150. Warner openly told Plaintiff about gang affiliations, and his ability to “destroy lives” and
10 even have people killed if he so desired. Walters heard Warner regularly threaten to sue his enemies, kill
11 people, and physically harm their pets.

12 151. Warner also boasted to Plaintiff that he had gotten away with raping women. He regularly
13 made comments, jokes, and references to Walters about rape despite knowing that she experienced a
14 sexual assault prior to working with Warner.

15 152. In the Fall of 2020, Plaintiff recalled a video recording of Warner discussing rape in
16 which he states: “Carnies – those men that rape women but don’t get away with it like I do.”

17 153. In the Fall of 2020 or later, Plaintiff also recalled that Warner routinely told her that he
18 wanted to kill women he was involved with. For example, in the Fall 2020, as part of working with her
19 therapist, Plaintiff recalled a text message that Warner sent to her saying that he “wanted to put a hatchet
20 in Evan’s head,” a text message in which Warner says that he wants to “smash Evan’s head in,” a text
21 message from Warner in which he states: “Glass in studio. Went south. Not good. [Former girlfriend]
22 Esme [Bianco] is gonna get the brunt of this. Don’t care. I’m clenching my fists before I throw every
23 twiggy guitar out the door. My fingers are cut from lightbulba [sic],” and a text message in which Warner
24 states that it is “Dexter [fictional serial killer] time” in response to learning that actor Jared Leto was on
25 set with Warner’s girlfriend.

26 154. In another text message Walters recalled, Warner states: “I’m buying a gun. Whether you
27 like it or not. La law is that someone enters your domicile, you may shoot them. It will happen I am not
28 upset about Evan as much as the the [sic] Mexican intruder. Or that I didn’t get enough beauty sleep

1 tonight.”

2 155. Plaintiff also recently recalled an email Warner sent to her in May 2011 with a photograph
3 of his former girlfriend’s mutilated and scarred back. The subject line of the email was: “Do you see what
4 happens?!” It was a clear threat to Plaintiff that she, too, could be harmed.

5 156. Plaintiff also witnessed Warner break into his employees’ personal computers in hopes of
6 finding damaging information he could use as blackmail.

7 157. Walters also witnessed Warner threaten to use compromising photographs and videos of
8 more well-known individuals in order to control them.

9 158. Warner also painted a portrait of Plaintiff for Christmas, signing it: “Precum, witch tits.
10 Love You Forever,” referencing their first time meeting. Given that Plaintiff now recognizes this incident
11 as a sexual assault, it is a sickening reminder of Warner’s physical assault, manipulation and control
12 tactics.

13 ***D. Warner’s use of retaliation, legal threats and blackmail to silence Walters***

14 159. In June 2011, Warner’s then-girlfriend Bianco ended their relationship. Bianco texted
15 Plaintiff to tell her to get out of the house because she knew that Warner would be dangerous. As a result,
16 Plaintiff left the house and picked up Bianco.

17 160. That evening both Walters and Bianco were distressed over Warner’s state of mind. Bianco
18 told Walters that she feared Warner’s reaction to their breakup as he had been abusive towards her on
19 several occasions throughout their relationship, and Walters felt defeated by Warner’s relentless rage
20 during this period of time. After drinking together, they attempted to drive and were involved in a car
21 accident. Walters was arrested for a DUI while driving Warner’s car. While he was aware that she was
22 arrested, Warner was not aware that Bianco was a passenger. Warner’s manager instructed Walters not to
23 tell Warner.

24 161. In July 2011, after a month of cyber stalking Walters and questioning others on her
25 whereabouts, Warner discovered that Plaintiff was with his ex-girlfriend Esme Bianco when she got into
26 a car accident. Warner was furious that Plaintiff was with his ex-girlfriend that evening and abruptly
27 terminated her employment.

28 162. Approximately one week later, Warner rehired Walters on behalf of Marilyn Manson

1 Records, Inc. Warner lured Walters back into employment by gaslighting her, including by telling her that
2 he loved her and considered her family. But, more importantly, Walters was terrified about the
3 repercussions she would face if she refused to return and she needed the income. Warner had previously
4 explained to Plaintiff in great detail that he read books like The Art of War and How to be Invisible so
5 that he knew how to secretly spy on individuals, track their online activity, destroy hard drives, and
6 essentially get away with illegal behavior. While Warner promised that he would change his behavior and
7 things would get better, within two (2) weeks the honeymoon period was over and Warner continued to
8 berate Walters on a regular basis.

9 163. In August 2011, Warner suddenly accused Walters of trying to sabotage his career, and as
10 a result attempted to ruin her reputation by beginning a smear campaign. Plaintiff recalled for the first
11 time in the Fall of 2020 or later that Warner sent out a blast email and text message thread to colleagues
12 and bandmates including an image attachment of Walters' worn underwear in an attempt to publicly
13 embarrass her; Plaintiff recalled in the Fall of 2020 or later that Warner forced her to go onto the roof and
14 cut wires because he believed the neighbors were tapping his phone; he excluded her from events; and he
15 told others that she was ruining his life; and he climbed onto the roof and threatened to kill himself because
16 he claimed Walters was ruining his life. Walters never discovered what prompted this round of abuse.

17 164. In October 2011, Warner terminated her employment for a second and final time.
18 Following her termination, Warner threatened her with legal action after accusing her of stealing artwork
19 from his home, and hacked into her Facebook account wherein he changed her profile picture to a sexually
20 explicit pornographic image and changed her language settings to Arabic so she was unable to easily revert
21 her profile back to normal. Warner also hacked into Walters' Amazon account and made several
22 unauthorized purchases. In addition, his then-girlfriend also contacted Walters threatening that Warner
23 would sue her.

24 *E. The coercive effects of his unconscionable conduct continued for years after her*
25 *employment ended, and continued to deter her from filing suit until she joined the*
26 *support group and entered therapy*

27 165. As a part of his smear campaign of Plaintiff's reputation, Warner told several people that
28 Walters stole his car and was arrested for a DUI. Additionally, in January 2012 he again threatened to

1 take legal action against her for allegedly withholding a hard drive of images which she did not have in
2 her possession.

3 166. Plaintiff learned in the Fall of 2020 that Warner also texted multiple individuals to try to
4 either obtain her mugshot or to figure out how to obtain it so that he could make and distribute artwork
5 displaying it.

6 167. Warner often threatened Walters that he “would ruin her.” Thus, Walters feared that if she
7 protested any of Warner’s treatment toward her that he would go to extreme lengths in order to follow
8 through on his threats and similarly ruin her career, or worse, hurt her physically.

9 168. As Walters continued her career in the entertainment industry and became a member of the
10 Teamsters Local 399 Union in 2013, her fear that he would follow through and ruin her reputation in the
11 industry remained. For example, in 2015, Walters accepted a job working with another band who was
12 going on tour including in Canada. She later discovered that the band was opening for Warner. Walters
13 did not want to lose the job so she continued working for the band. However, as a result of her previous
14 DUI, she was unable to enter Canada. Warner became aware of this and spread the information to other
15 artists and musicians, which impacted her relationship with others connected to the tour and further
16 threatened her career in the music industry. She has on other occasions worked with individuals in the
17 entertainment industry who knew or had connections with Warner, so her fear of Warner followed her
18 throughout her career.

19 169. To this day, Walters still works in the entertainment industry. Walters knew that if she
20 spoke out against Warner in any way, even after she no longer worked for him, Warner’s behavior would
21 only escalate and he would do anything possible to ruin any future employment opportunities.

22 170. In or about 2019, after several other survivors came forward, Warner sent Plaintiff a text
23 message that said: “Just curious if you are still a friend? After all the car and whatnot I got past. I’m a
24 great friend. Not the opposite so much. Hope you are good.” Plaintiff did not respond to what she felt was
25 a threat to stay quiet about her own experiences.

26 171. An individual within Warner’s inner circle informed Plaintiff in February 2021 that Warner
27 threatened to “ruin” Plaintiff, while another individual with first-hand knowledge told Plaintiff that
28 Warner threatened to go to the homes of the women who were publicly coming forward with claims

1 against him.

2 172. However, with the safety and support of the other individuals who survived Warner's
3 abuse, and once she was able to recall the full extent of and process the effects of Warner's abuse through
4 therapy in late 2020, Plaintiff found the courage to pursue her legal claims. It was only then that the
5 coercive effects of Warner's threats and Plaintiff's fear of actual future harm diminished, even though
6 Warner's threats to Plaintiff and others who came forward are ongoing. Plaintiff reported the physical and
7 emotional abuse she suffered and now recalled to the Los Angeles Sheriff's Department on February 19,
8 2021 – less than three months after she began therapy. She then immediately sought counsel and instituted
9 this action on May 18, 2021, within seven (7) months of joining the support group, and within six (6)
10 months of beginning therapy.

11 173. Indeed, in 2021, another victim of Warner's abuse informed Plaintiff that Warner sent
12 someone to the victim's home unannounced, which this victim believes was an attempt to scare and/or
13 spy on them.

14 174. On January 7, 2022, Defendants sent Plaintiff an email through her counsel, threatening to
15 take retaliatory legal action against her if she "participat[ed] in any interviews about Mr. Warner or
16 reveal[ed] any confidential information" about him.

17 175. In addition, in a recent declaration filed by Evan Rachel Wood, she stated that one of
18 Warner's other victims has a recording of him saying that he knows where all of the people who had
19 "created his problems" were, including where they live, where they work, etc. These continued threats are
20 designed to further threaten, intimidate, and silence Warner's victims. Evan Rachel Wood recently spoke
21 out about Warner's abuse in a documentary. On March 2, 2022, Warner sued Wood for defamation, among
22 other claims, in retaliation.

23 176. Plaintiff certainly did not think she would be an exception to Warner's violence, stalking,
24 intimidation or threats and realized that many of these threats also caused her to block many of the
25 memories of her own physical and mental abuse at the hands of Warner, as well as the degradation and
26 hostile environment she endured while working for Defendants.

27 177. As a result of working with Warner, and witnessing Warner's venom first hand, the damage
28 done to Walters resulted in not only the repression of memories and PTSD, but an ongoing fear of

1 retribution by Warner should she be anything other than subservient and silent. This fear was not limited
2 to just damage to her reputation or career, but for her physical well-being as well.

3 178. While Plaintiff could not recall many of the specific acts of intimidation, threats and
4 coercion until Fall of 2020 or later, the compilation of numerous threatening and violent events instilled a
5 constant state of fear of retribution and retaliation should Plaintiff, in any way, confront Defendants. This
6 also contributed to the fact that Plaintiff was unable to access many of the memories of her abuse until the
7 effects of these threats and coercion subsided due to the public exposure of Warner's abuse and the loss
8 of his power in the industry when even his record labels and management dropped their representation of
9 Defendants.

10 179. Defendants should not benefit from Warner's physically, emotionally and psychologically
11 debilitating and threatening behavior by being permitted to use the statute of limitations as a shield.

12 **VII. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION**

14 **(Sex Discrimination in Violation of Cal. Civ. Code §§ 51, 51.5 and 52)**

15 180. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs
16 1-179 as if fully set forth herein.

17 181. California Civil Code section 51, also known as the Unruh Act, provides that all persons
18 in the state are entitled to the "full and equal accommodations, advantages, facilities, privileges, or services
19 in all business establishments of every kind whatsoever," regardless of sex.

20 182. In addition, California Civil Code section 51.5 prohibits any business establishment from
21 discriminating against, blacklisting, or refusing to contract with any person in California based on their
22 sex.

23 183. Defendants intentionally discriminated against Plaintiff and denied her full and equal
24 accommodations, advantages, facilities, privileges, or services because of their sex. Defendants
25 intentionally denied such rights when he sexually harassed and exploited Plaintiff and, created a culture
26 of sexual exploitation, permitted sexual exploitation to continue, and engaging in other conduct described
27 herein.

28 184. As a result of Defendants' acts, Plaintiff suffered harm.

1 185. As a result of this unlawful conduct, Plaintiff is entitled to damages pursuant to California
2 Civil Code section 52, subdivision (a) in an amount to be determined at trial.

3 186. The conduct of Defendants as described herein was done with oppression, fraud, and/or
4 malice. Plaintiff is entitled to punitive damages.

5 **SECOND CAUSE OF ACTION**

6 **(Sexual Harassment in Violation of Cal. Civ. Code §§ 51.9 and 52)**

7 187. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs
8 1-179 as if fully set forth herein.

9 188. Plaintiff was in a business, service, or professional relationship with Defendants. At the
10 time of the sexual harassment and exploitation, Plaintiff was actively employed by Defendants as a
11 Personal Assistant.

12 189. In or around 2010 until her termination in 2011, Defendants harassed and exploited
13 Plaintiff and subjected her to a sexually exploitative environment.

14 190. Because of Defendants' powerful role in the industry in which Plaintiff worked and aspired
15 to be a part of, the Plaintiff felt pressured to acquiesce to the Defendants' demands.

16 191. As a result of Defendants' acts, Plaintiff suffered harm.

17 192. As a result of this unlawful conduct, Plaintiffs is entitled to damages pursuant to California
18 Civil Code section 52, subdivision (b)(1) in an amount to be determined at trial.

19 193. The conduct of Defendants as described herein was done with oppression, fraud, and/or
20 malice. Plaintiffs is entitled to punitive damages.

21 **THIRD CAUSE OF ACTION**

22 **(Sexual Assault in Violation of Cal. Civ. Code § 340.16)**

23 194. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs
24 1-179 as if fully set forth herein.

25 195. Defendant Warner committed a sexual assault of Plaintiff as more fully described in
26 Section 243.4, 261, 262, 264.1, 286, 287, or 289, or former Section 288a, of the California Penal Code,
27 and/or assault with the intent to commit any of those crimes, and/or or an attempt to commit any of those
28 crimes.

196. Plaintiff's requests for relief are set forth below.

FOURTH CAUSE OF ACTION

(Interference with the Exercise of Civil Rights in Violation of the Bane Act,

Cal. Civ. Code § 52.1)

197. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1-179 as if fully set forth herein.

198. California Civil Code section 52.1, also known as the Bane Act, prohibits any person or persons from interfering with the exercise or enjoyment of rights under the Constitution and laws of this state and the United States by use or attempted use of threats, intimidation, or coercion.

199. Defendants used or attempted to use threats, intimidation, or coercion to interfere with the civil rights of Plaintiff, including but not limited to their rights to be free from sex discrimination. Defendants engaged in the conduct described herein because of the sex of Plaintiff. Defendants intimidated and coerced Plaintiff by engaging in conduct described herein.

200. Because of Defendants' powerful role in the industry in which Plaintiff worked and aspired to be a part of, the Plaintiff felt pressured to acquiesce to the Defendants' demands.

201. By the conduct described herein, Defendants intended to deprive Plaintiff of enjoyment or exercise of her civil rights.

202. As a result of Defendants' acts, Plaintiff suffered harm.

203. As a result of this unlawful conduct, Plaintiff is entitled to damages in an amount to be determined at trial.

204. The conduct of Defendants as described herein was done with oppression, fraud, and/or malice. Plaintiff is entitled to punitive damages.

FIFTH CAUSE OF ACTION

(Sexual Battery in Violation of California Civil Code § 1708.5)

205. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1-179 as if fully set forth herein.

206. Defendant Warner committed a sexual battery upon Plaintiff by acting with the intent to cause an imminent apprehension of a harmful or offensive contact with an intimate part of Plaintiff.

1 and/or malice. Plaintiffs is entitled to punitive damages.

2 **EIGHTH CAUSE OF ACTION**

3 **(Assault)**

4 220. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs
5 1-179 as if fully set forth herein.

6 221. Defendant Warner acted, intending to cause harmful or offensive contact with Plaintiff.
7 Plaintiff reasonably believed that she was about to be touched in a harmful or offensive manner, and/or
8 Defendant Warner threatened to touch Plaintiff in a harmful or offensive manner and it reasonably
9 appeared to Plaintiff that Defendant Warner was about to carry out the threat. Plaintiff did not consent to
10 Defendant Warner's conduct.

11 222. As a result of Defendant Warner's acts, Plaintiff suffered harm and severe emotional
12 distress.

13 223. As a result of this unlawful conduct, Plaintiff is entitled to damages in an amount to be
14 determined at trial.

15 224. The conduct of Defendant Warner as described herein was done with oppression, fraud,
16 and/or malice. Plaintiffs is entitled to punitive damages.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays this Court enter a judgment against Defendants that:

- 19 A. Judgment be entered in favor of Plaintiff against Defendants;
- 20 B. That the Plaintiff be awarded back pay, lost wages and front pay where available;
- 21 C. That the Plaintiff be awarded compensatory damages where available;
- 22 D. That the Plaintiff be awarded punitive damages where available;
- 23 E. That the Plaintiff be awarded pre-judgment and post-judgment interest;
- 24 F. That the Court award Plaintiff attorney's fees and costs associated with this
25 matter, including but not limited to expert fees' and costs;
- 26 G. That the Defendants discontinue the access to and use of all personal data
27 obtained regarding Plaintiff and destroy any such records or information at the
28 conclusion of this legal dispute;

- 1 H. That the Defendants discontinue the access to and use of all images captured of
2 Plaintiff and destroy any such images at the conclusion of this legal dispute;
- 3 I. That the Defendants discontinue the access to and use of all explicit images
4 captured of women without first obtaining the express written consent for the use
5 of said images and destroy any and all images Defendants do not have such
6 written consent to view or use upon the conclusion of this legal dispute;
- 7 J. Upon the destruction of all personal data and images addressed in paragraphs G-I
8 above, that the Defendants execute a public, sworn statement verifying that no
9 personal data or images addressed herein remain in the possession of Defendants
10 or their affiliates;
- 11 K. That the Defendants submit to anti-sexual harassment and anti-sexual violence
12 training provided by a reputable organization such as RAINN;
- 13 L. Such further legal and equitable relief as this Court may deem just and proper.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiff also demands a jury trial on all issues so triable.

16
17 Dated: March 11, 2022

Respectfully Submitted,

18 HADSELL STORMER RENICK & DAI LLP

19 VALLI KANE & VAGNINI LLP

20
21 By: Tanya Sukhija-Cohen

Dan Stormer
Tanya Sukhija-Cohen
James Vagnini
Sara Wyn Kane
Monica Hincken

22
23
24 *Attorneys for Plaintiff* ASHLEY WALTERS

1 **PROOF OF SERVICE**

2 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and
3 not a party to the within action; my business address is 128 N. Fair Oaks Avenue, Pasadena,
California 91103.

4 On March 11, 2022, I served the foregoing document described as: **SECOND AMENDED**
5 **COMPLAINT FOR DAMAGES** on the interested parties in this cause by placing true and correct
copies thereof in envelopes addressed as follows:

6 Gene F. Williams, Esq.
7 Laurie DeYoung
8 GORDON REES SCULLY MANSUKHANI, LLP
9 633 West Fifth Street, 52nd Floor
10 Los Angeles, CA 90071
11 Telephone: (213) 270-7831
Facsimile: (213) 680-4470
Email: gfwilliams@grsm.com
ldeyoung@grsm.com
stello@grsm.com (Assistant)

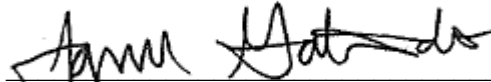
**Attorney for Defendants BRIAN
WARNER, a.k.a. MARILYN
MANSON; MARILYN MANSON
RECORDS, INC.**

12 **XX BY E-MAIL (pursuant to agreement of the parties)**

13 **XX** I served the above-mentioned document(s) electronically on the parties listed to their e-
14 mail addresses listed above and, to the best of my knowledge, the transmission was complete and
without error in that I did not receive an electronic notification to the contrary.

15 Executed on March 11, 2022, at Pasadena, California.

16 **XX** (State) I declare under penalty of perjury under the laws of the State of California that the
17 above is true and correct.

18 

19 Tami Galindo
20 Declarant
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24
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26
27
28