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

PETER F. PAUL,  
  
Plaintiff,  
  
v.

) Case No. BC 304174

) **FIRST AMENDED COMPLAINT** FOR  
) DAMAGES AND RESTITUTION, AMONG  
) OTHER RELIEF, ARISING FROM:

WILLIAM JEFFERSON CLINTON,  
HILLARY RODHAM CLINTON,  
HILLARY RODHAM CLINTON FOR U.S.  
SENATE COMMITTEE, INC., NEW  
YORK SENATE 2000, DAVID ROSEN,  
GARY SMITH, JAMES LEVIN, and  
AARON TONKEN,  
  
Defendants.

- ) (1) FRAUD AND DECEIT;
- ) (2) NEGLIGENT
- ) MISREPRESENTATION;
- ) (3) UNFAIR BUSINESS
- ) PRACTICES;
- ) (4) UNJUST ENRICHMENT;
- ) and
- ) (5) CIVIL CONSPIRACY; and

) DEMAND FOR JURY TRIAL

\_\_\_\_\_ )

) Assigned to: Hon. Aurelio N.  
) Munoz  
) Department 47

Plaintiff, Peter F. Paul, by counsel, complains and alleges as follows:

## GENERAL ALLEGATIONS

1. Plaintiff Peter F. Paul was at all relevant times a citizen of the State of California and resided at 23586 Parksouth, Calabasas, CA 91302.
2. Defendant William Jefferson Clinton is a citizen of the State of New York and resides at 15 Old House Lane, Chappaqua, NY 10514. Defendant William Jefferson Clinton was formerly the President of the United States. He also is the husband of Defendant Hillary Rodham Clinton.
3. Defendant Hillary Rodham Clinton is a citizen of the State of New York and resides at 15 Old House Lane, Chappaqua, NY 10514. Defendant Hillary Rodham Clinton is a U.S. Senator from the State of New York.
4. Defendant Hillary Rodham Clinton for U.S. Senate Committee, Inc. is incorporated under the laws of the State of New York and has its principal place of business at 450 7th Avenue, Suite 804, New York, NY 10123-0073. At all relevant times, Hillary Rodham Clinton for U.S. Senate Committee, Inc. was the agent of Senator Clinton.
5. Defendant New York Senate 2000 is a joint federal/non-federal fundraising committee affiliated with the New York State Democratic Committee, the Democratic Senatorial Campaign Committee and the Hillary Rodham Clinton for U.S. Senate Committee, Inc. Its principal place of business is located at 430 South Capitol Street, S.E., Washington, DC 20003. At all relevant times, New York Senate 2000 was the agent of Senator Clinton.
6. Defendant David Rosen is a citizen of the State of Illinois. His address is c/o The Competence Group, 1248 W. Altgeld, Chicago, IL 60614. At all relevant times, Rosen was the agent of Senator Clinton.

7. Defendant Gary Smith is a citizen of the State of California and resides at 9559 Lime Orchard Road, Beverly Hills, CA 90210-1315.

8. Defendant James Levin is a citizen of the State of Illinois and resides at 422 Briarwood Place, Highland Park, IL 60035-5029. At all relevant times, Levin was an agent of President Clinton.

9. Defendant Aaron Tonken is a citizen of the State of California and resides at 269 S. Beverly Drive, Apt. 372, Beverly Hills, CA 90212-3807.

### **STATEMENT OF FACTS**

10. In 1998, Plaintiff and popular culture icon Stan Lee, the creator of Spider Man, the Incredible Hulk and the X-Men animation characters, co-founded Stan Lee Entertainment, Inc., a digital, Internet-based entertainment company. Plaintiff's goal was to build a global, multimedia entertainment company around the seventy-seven year old Stan Lee by transforming Lee into a universally recognized brand name.

11. Plaintiff achieved substantial success, and, after two mergers in 1999, Stan Lee Entertainment, Inc. became Stan Lee Media, Inc., a publicly traded company with a market capitalization of approximately \$350 million.

12. Plaintiff himself achieved a net worth of approximately \$60 million, based in large part on Stan Lee Media, Inc. stock.

13. Plaintiff also was engaged in a variety of other business ventures, including Mondo English, Inc., a company Plaintiff had established to teach English to a global audience, free of charge, over the Internet.

14. In December 1999, Plaintiff was contacted by Los Angeles fundraiser and event producer Aaron Tonken, who had been working with Democratic National Committee ("DNC") Chairman Edward G. Rendell and DNC Southern California Finance Chairwoman Stephanie Berger on DNC fundraising events in Southern California featuring President William Jefferson Clinton and other prominent Democratic

Party politicians.

15. Tonken had worked for Plaintiff several years earlier, and Plaintiff was well-acquainted with him. Tonken told Plaintiff about his work with the DNC and convinced Plaintiff that he could gain access to President Clinton by contributing to Democratic Party causes. Tonken specifically suggested that Plaintiff make a \$30,000 contribution to co-host a DNC fundraiser in February 2000 in Los Angeles to be keynoted by the President.

16. After his meeting with Tonken, Plaintiff conceived of a plan to expedite his goals for Stan Lee Media, Inc. and Mondo English, Inc. by hiring President Clinton, at Plaintiff's sole expense, to work as a global "good will" ambassador for the two companies when the President left office in January 2001. Plaintiff thus decided to co-host the DNC fundraiser in order to try to build a personal and professional relationship with President Clinton and, eventually, a business relationship.

17. The fundraiser was held on February 17, 2000 at Café Des Artistes in Hollywood, California. Plaintiff co-hosted the event and was seated with President Clinton. Plaintiff also was introduced to California Governor Gray Davis, who chaired the event, and Rendell and Berger. In addition to assisting in the production of the event, Tonken arranged for Olivia Newton John to perform at the event and attended the event as well.

18. During the event, Plaintiff told Rendell and Berger about his interest in working with President Clinton after the President left office in January 2001. Rendell, Berger and Tonken represented to Plaintiff at the event that he could gain even greater access to President Clinton, and thereby better position himself to work with the President after he left office, by making more substantial contributions to the DNC. Among other contributions, Rendell and Berger specifically discussed Plaintiff's hosting a DNC fundraiser at his home to be attended by President Clinton.

19. Plaintiff, who admittedly had no experience or direct knowledge about major campaign contributions or federal campaign finance laws and regulations, agreed to consider hosting a fundraiser. Plaintiff informed Rendell that his cash contributions would be limited, but that he could make more substantial contributions by pledging Stan Lee Media, Inc. stock, which would become transferrable in September 2000.

20. In April 2000, Rendell asked Plaintiff to pledge \$150,000 worth of Stan Lee Media, Inc. stock to the DNC in order to co-host, underwrite and serve as executive producer of a “Hollywood Supports Gore” fundraiser on June 8, 2000 at the Beverly Hills Hotel. Plaintiff agreed. Plaintiff also agreed to pay the expenses for the event, which he did by and through Tonken, acting as assistant producer.

21. In addition, Mrs. Clinton had become a candidate for the U.S. Senate in New York, and Rendell, Tonken and David Rosen, the Director of Finance for Mrs. Clinton’s U.S. Senate campaign, asked Plaintiff to pledge an additional \$150,000 worth of Stan Lee Media, Inc. stock to co-host, underwrite and serve as executive producer of a luncheon fundraiser on June 9, 2000 at Spago in Beverly Hills. The luncheon was to benefit Mrs. Clinton’s U.S. Senate campaign and was to be followed by a tea at the home of Cynthia Gershman, a wealthy benefactor closely tied to Tonken.

22. Rendell, Rosen and Tonken asked Plaintiff to pay the expenses associated with the luncheon and the tea, and to make an additional contribution to Mrs. Clinton’s U.S. Senate campaign as well. Plaintiff agreed, committing himself to pay the expenses for both the luncheon fundraiser and the tea, as well as committing himself to transfer \$150,000 worth of stock in Stan Lee Media, Inc. to Mrs. Clinton’s U.S. Senate campaign in September 2000. Plaintiff’s business partner, Stan Lee, also was to co-host of the luncheon and tea, but did not put up any monies or stock to do so.

23. Plaintiff met privately with the Vice President Gore at the “Hollywood Supports Gore” fundraiser

on June 8, 2000 and sat next to the Vice President throughout the event. Plaintiff and Vice President Gore discussed Plaintiff's interest in working with President Clinton when the President left office in January 2001, as well as Plaintiff's interest in supporting Mrs. Clinton's U.S. Senate campaign.

24. The luncheon fundraiser for Mrs. Clinton took place the following day, June 9, 2000, at Spago in Beverly Hills. Plaintiff sat next to Mrs. Clinton for ninety minutes during the luncheon fundraiser, and Plaintiff and Mrs. Clinton specifically discussed Plaintiff's interest in working with President Clinton when the President left office in January 2001, among other matters. Tonken served as Mrs. Clinton's escort.

25. At the luncheon fundraiser, Mrs. Clinton publicly thanked Plaintiff for his generous financial support. Several attendees of the luncheon fundraiser, including Larry King's wife, Sharon King, Barbara Lazarus, Dionne Warwick, Olivia Newton John, Bijan, Alana Hamilton Stewart, Suzie Buell Thompson, Cynthia Gershman, and Mr. and Mrs. Gerry Harrington, witnessed Mrs. Clinton's acknowledgment of Plaintiff's generous financial support for her campaign.

26. At the tea later that afternoon, Plaintiff introduced Mrs. Clinton to the 150 guests in attendance and again sat next to Mrs. Clinton during the event. Mrs. Clinton once again thanked Plaintiff for his generous financial support in front of several witnesses, including Larry King, Melanie Griffith, Sean Young, and Morgan Fairchild, among others. Tonken again served as Mrs. Clinton's escort, and Tonken and Mrs. Clinton privately discussed Plaintiff's interest in working with President Clinton during a limousine ride from the luncheon fundraiser to the tea at Gershman's home.

27. In addition to pledging \$150,000 worth of Stan Lee Media, Inc. stock to Mrs. Clinton's U.S. Senate campaign, Plaintiff paid over \$12,000 for expenses associated with both the luncheon and the tea, again by and through Tonken acting as assistant producer. Plaintiff and his wife, as well as Stan Lee and his wife, each also wrote \$2,000 checks to Mrs. Clinton's U.S. Senate campaign. Mrs. Clinton also

received additional contributions from most of the events' other attendees.

28. Plaintiff was very encouraged by his meetings and conversations with the President, Mrs. Clinton and Vice President Gore and was thus induced to become an even more substantial contributor to the DNC. Throughout June 2000, Plaintiff met with Rendell, Tonken and Berger, among others, to plan a DNC fundraiser at Plaintiff's home to be attended by President Clinton. Plaintiff, Berger, consultant Terry New of Capitol Strategies and other DNC fundraisers conducted several "walk-throughs" of Plaintiff's home in anticipation of the event. Plaintiff also made approximately \$150,000 in improvements to his home in anticipation of the event.

29. Rosen also participated in several of these meetings, during which time Plaintiff explained to Rosen that he was interested in contributing to Democratic Party causes in order to gain access to and build a personal and business relationship with President Clinton, and, subject to ethical constraints, negotiate an agreement to work with President Clinton when the President left office in January 2001.

30. In late June 2000, Rendell arranged with the U.S. Secret Service for Tonken to be placed in President Clinton's limousine during the ride back to The White House after a DNC fundraiser in Georgetown. The purpose of the limousine ride was to allow Tonken and the President the opportunity to privately discuss Plaintiff's interest in working with President Clinton after he left The White House and Plaintiff's willingness to support Mrs. Clinton's U.S. Senate campaign. During the limousine ride, President Clinton expressed interest to Tonken in both working with Plaintiff and having Plaintiff support Mrs. Clinton's U.S. Senate campaign. Entertainer Chaka Khan, who had performed at the fundraiser earlier that evening and was in the limousine with Tonken and the President, witnessed the conversation.

31. Upon reaching The White House, President Clinton invited Tonken and Chaka Khan to tour the Oval Office, and Tonken photographed Chaka Khan sitting on the President's desk. Tonken telephoned

Plaintiff at approximately 1:00 a.m. from The White House, outside the Oval Office, to convey the substance of his conversation with the President to Plaintiff and to inform Plaintiff that President Clinton had expressed interest in his plans.

32. On information and belief, after the limousine ride in late June 2000, President Clinton asked Rosen to introduce Plaintiff to James Levin, a close, personal friend and supporter of the President and Mrs. Clinton, to negotiate an agreement to work together after the President left office in January 2001. Rosen informed Plaintiff that the President had personally selected Levin to be his intermediary. Tonken told Plaintiff this as well. Rosen advised Plaintiff that, based on President Clinton's selection of Levin, approaching Levin was preferable to working through Harold Ickes and Terence McAuliffe, with whom Plaintiff also had held preliminary discussions about his plans.

33. Rosen arranged for Plaintiff to meet with Levin on July 5, 2000 at the Mondrian Hotel in Hollywood, again, on information and belief, at President Clinton's direction. At all relevant times, Plaintiff understood that Levin was acting on behalf of President Clinton and that the President had designated Levin as his agent for purposes of negotiating an agreement with Plaintiff. At the July 5, 2000 meeting, Levin told Plaintiff that he had spoken with President Clinton and the President had indicated that he preferred Plaintiff negotiate with Levin rather than dealing with him directly.

34. During the July 5, 2000 meeting, Plaintiff outlined to Levin his plan for working with President Clinton after the President left office in January 2001. Both Levin and Rosen represented to Plaintiff that President Clinton would look very favorably on any assistance Plaintiff could provide to Mrs. Clinton's U.S. Senate campaign as a way of beginning their relationship.

35. Based on Levin's and Rosen's advice, Plaintiff participated in a telephone conference call with officials from Mrs. Clinton's U.S. Senate campaign on or about July 11, 2000. The conference call was organized by Rosen and Levin. Tonken participated as well. Plaintiff, Rosen, Levin and Tonken were

physically present in Plaintiff's office while they spoke, via telephone conference, to officials with Mrs. Clinton's U.S. Senate campaign in New York, including campaign spokesman Howard Wolfson.

36. During the July 11, 2000 conference call, Rosen represented to Plaintiff that Mrs. Clinton's U.S. Senate campaign wanted to hold a fundraiser in the Los Angeles area to coincide with the Democratic National Convention, which was only four weeks away. Plaintiff was asked to underwrite and produce the event. Rosen and Tonken also represented to Plaintiff during the conference call that Cynthia Gershman had agreed to contribute \$525,000 to fund the event.

37. Neither Rosen, Tonken, nor any members of Mrs. Clinton's U.S. Senate campaign, had any particular idea about the type of event that was to be held. Plaintiff suggested a Hollywood tribute/farewell to President Clinton (hereinafter "Hollywood Tribute" and/or "the event"). Mrs. Clinton's U.S. Senate campaign selected a date, August 12, 2000, for what would turn out to be the largest fundraising event of Mrs. Clinton's U.S. Senate campaign.

38. During the July 11, 2000 conference call, Plaintiff discussed contributing a maximum of \$525,000 to underwrite the Hollywood Tribute and serving as executive producer of the event. Plaintiff also discussed securing world class artists to perform at the event, at his sole expense, to enable Mrs. Clinton's U.S. Senate campaign to raise additional funds. Stan Lee would be the official host of the event, and Plaintiff would be a co-host. Again, however, Levin, Rosen, Tonken and Mrs. Clinton's U.S. Senate campaign understood that neither Stan Lee nor Stan Lee Media, Inc. would be paying any expenses or putting up any of their own assets for the event.

39. Plaintiff conditioned any involvement in the Hollywood Tribute on being given absolute and complete executive control over the event by the President and The White House, including control over guests and seating, and on President Clinton's agreeing to participate as the event's honoree. Plaintiff also

conditioned any involvement in the Hollywood Tribute on President Clinton's agreeing that the event would be his last official event in Hollywood.

40. As with the luncheon fundraiser at Spago, Plaintiff's business partner, Stan Lee, was to serve as a host of the Hollywood Tribute, but, again, would not be putting up any monies or stock for the event. Rather, Lee advanced monies towards the cost of the event, which he expected to be repaid. At all relevant times, Levin, Rosen, Tonken and Mrs. Clinton's U.S. Senate campaign all knew and understood this to be the case.

41. Later that same day, July 11, 2000, Levin attended a private dinner with Plaintiff at Plaintiff's home. During the dinner, Levin asked Plaintiff to prepare a formal written offer for him to present to President Clinton detailing all of the terms of the business relationship Plaintiff envisioned having with the President after he left office and how the President would be compensated.

42. Plaintiff prepared the written offer and delivered it to Levin. Under the terms of the offer, President Clinton would work with Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., for one year, commencing when the President left office, in consideration for the following: (1) \$10 million worth of stock in Stan Lee Media, Inc.; (2) \$5 million in cash; (3) a \$1 million contribution to the Clinton Presidential Library; and (4) Plaintiff's underwriting of up to \$525,000 in expenses for the Hollywood Tribute, serving as executive producer of the event, and securing world class talent for the event, as had been discussed during the July 11, 2000 telephone conference call.

43. Levin flew to Washington a few days later for the express purpose of conveying Plaintiff's offer to President Clinton. Levin called Plaintiff from Washington to tell him that the President accepted his proposal. President Clinton ratified his acceptance by agreeing to be the honoree of the Hollywood Tribute and by further agreeing that the Hollywood Tribute would be the last event he attended in Hollywood prior to leaving office. President Clinton also agreed to grant Plaintiff executive control over

the event, including executive control over guests and seating, as Plaintiff had requested. President Clinton designated Betty Currie as Plaintiff's and Levin's contact person at The White House for purposes of the event.

44. Importantly, in meetings in Plaintiff's office between July 11, 2000 and August 12, 2000, as well as in telephone conversations during this same time period, Rosen repeatedly promised and represented to Plaintiff that he and Mrs. Clinton's U.S. Senate campaign would make sure Plaintiff's contributions were allocated and reported to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations. Rosen also repeatedly promised and represented to Plaintiff during these same meetings and telephone conversations that he would sit down with Plaintiff to review his contributions and determine how they would be reported. Rosen also advised Plaintiff that the reporting did not need to be done until after the November 2000 election.

45. Plaintiff himself was unfamiliar with the laws and regulations governing campaign fundraising. Consequently, in agreeing to underwrite and serve as executive producer of the Hollywood Tribute, and in making all other contributions to Mrs. Clinton's U.S. Senate campaign, Plaintiff reasonably relied on the promises and representations of Rosen, a professional political fundraiser and the National Director of Finance for Mrs. Clinton's U.S. Senate campaign, that Plaintiff's contributions would be allocated and reported to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations. At all relevant times, Rosen and other officials of Mrs. Clinton's U.S. Senate campaign knew and understood this to be the case.

46. In reliance on Levin's promises and representations that the President had accepted his proposal, and on Rosen's promises and representations that any campaign contributions Plaintiff made would be allocated and reported in a lawful manner, Plaintiff began to plan, produce and underwrite the Hollywood

Tribute in mid-July 2000.

47. By agreeing to underwrite and serve as executive producer of the Hollywood Tribute as part of Plaintiff's post-White House employment agreement with President Clinton, Plaintiff intended to benefit Mrs. Clinton's U.S. Senate campaign, not the campaign of any other candidate or the prospects of the Democratic Party in general. Nor did Plaintiff intend to influence the outcome of any election other than Mrs. Clinton's U.S. Senate campaign. At all relevant times, President Clinton, Mrs. Clinton, Rosen, Levin, Tonken, and Mrs. Clinton's U.S. Senate campaign all knew and understood this to be the case.

48. The Hollywood Tribute was to include a reception, a \$25,000 per couple gala dinner and a \$1,000 per person concert. Plaintiff was to supply and pay for performances by world class artists, including Cher, Diana Ross, Paul Anka, Michael Bolton, Toni Braxton, Melissa Ethridge, Patti Labelle, and Mark McGrath and Sugar Ray, among others. Muhammad Ali, John Travolta, Kelly Preston, Whoopi Goldberg, Red Buttons, Ted Danson, Jimmy Smits, Mary Steenbergen, Dylan McDermot and Gregory Peck also agreed to participate. The event was to be held at the Brentwood estate of businessman Ken Roberts.

49. Plaintiff originally approached Jeff Salmon of Dick Clark Productions about producing the Hollywood Tribute. However, the Clintons, by and through Rosen, requested that Plaintiff retain Gary Smith, a CBS producer and friend of the Clintons, to produce the concert portion of the event. Smith and his production company, Smith-Hemion Productions, had produced President Clinton's first Inaugural Ball and were producing the August 2000 DNC Convention, as well as a gala fundraiser for Vice President Gore to be held after his presidential nomination. At Rosen's request, Plaintiff agreed to negotiate with Smith.

50. Rosen arranged for Plaintiff and Smith to meet for lunch at the Dome Restaurant on or about July 14, 2000. Rosen and Tonken attended the meeting as well. During the meeting, Smith represented to

Plaintiff that he would accept an agreed-upon, “turn key” fee, inclusive of all expenses, to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert, which was to be completed and delivered within one week after the event. When Plaintiff objected to the amount requested by Smith, Rosen represented to Plaintiff that Smith was a close friend of Mrs. Clinton and that Mrs. Clinton would intervene to get Smith to lower his fee. Plaintiff asked Rosen to have Mrs. Clinton contact Smith that night to have him lower his fee, as time was of the essence.

51. The following day, Rosen represented to Plaintiff that Mrs. Clinton had called Smith and, as a result of Mrs. Clinton’s direct intervention, Smith had agreed to lower his fee by \$50,000, inclusive of all expenses, to produce the concert portion of the event and an edited videotape. Plaintiff confirmed with Smith’s attorney that Smith had agreed to lower his fee by \$50,000.

52. Based on Smith’s promises and representations, and Mrs. Clinton’s personal intervention, Plaintiff agreed to use Smith’s services and began to make payments to Smith. To this end, Smith used his “lend out” production company, Black Ink Productions, Inc., to produce the concert. In May 2001, Smith admitted to Mike Wallace of CBS’s “60 Minutes” that he agreed to lower his fee after speaking with Mrs. Clinton on or about July 11, 2000, at Plaintiff’s request.

53. At or around this same time period, Tendo Oto, a business associate of Plaintiff, informed Plaintiff that he was interested in sharing Plaintiff’s business relationship with President Clinton after the President left office. Oto was the President of Venture Soft Co., Ltd., an Internet-based animation company headquartered in Tokyo, Japan. Plaintiff had introduced Oto to Stan Lee Media, Inc., and, as a result, Oto invested \$5 million in Stan Lee Media, Inc. and Venture Soft Co., Ltd. became the partner of Stan Lee Media, Inc. in a joint venture in Asia. In addition, Plaintiff was assisting Oto in establishing a subsidiary of Venture Soft Co., Ltd. in the United States. Plaintiff agreed to allow Oto to join him in his business relationship with President Clinton in exchange for Oto’s agreeing to finance one-half (½) of the multi-

million dollar employment package Plaintiff had negotiated with President Clinton through Levin.

54. Both Rosen and Levin spent a substantial amount of time in Los Angeles throughout mid-July and early August 2000 overseeing and coordinating preparations for the Hollywood Tribute with Mrs. Clinton's U.S. Senate campaign and The White House. Plaintiff donated the use of his office space, equipment, utilities, supplies and staff for Rosen's use in working on the event while he was in Los Angeles. He even paid Rosen's hotel bill.

55. Plaintiff also paid former Clinton White House staffer Franklin Urteaga \$50,000 to assist Rosen and Levin with organizing the Hollywood Tribute. Plaintiff had hired Urteaga and another former Clinton White House staffer, Dan Burkhardt, to direct Mondo English, Inc. in anticipation of his plans to work with President Clinton after the President left The White House in January 2001.

56. Between July 14-27, 2000, Levin met with Plaintiff, toured Plaintiff's offices, and interviewed key employees of Plaintiff in furtherance of Plaintiff's plans to work with President Clinton after the President left The White House. While at Plaintiff's office, Plaintiff introduced Levin to Oto, who was visiting from Japan.

57. Before introducing Levin to Oto, however, Plaintiff had informed Levin that Plaintiff considered his relationship with Oto to be a proprietary business relationship. Levin acknowledged the proprietary nature of Plaintiff's business relationship with Oto and promised and agreed that he would not attempt to engage in any business undertakings with Oto or otherwise do anything that would harm or undermine Plaintiff's proprietary business relationship with Oto. Levin also signed a confidentiality agreement recognizing the proprietary nature of Plaintiff's business relationship with Oto.

58. As the Hollywood Tribute drew near, Smith demanded Plaintiff pay him an additional \$75,000, through Smith-Hemion Productions, Inc., as a "personal production fee" for the concert portion of the

event. Smith threatened to quit if he was not paid the additional fee.

59. Plaintiff went to Rosen to request advice and assistance in dealing with Smith's threat and demand for an additional fee. Plaintiff protested the additional fee to Rosen and asked him to have Mrs. Clinton intervene. In a meeting in Plaintiff's office, Rosen told Plaintiff he would speak to Mrs. Clinton about the matter. Rosen later informed Plaintiff that Mrs. Clinton would not intervene and advised Plaintiff to pay Smith the additional fee, as the event was only a few days away and Smith was vital to its success. Trusting the advice of Rosen, who had worked on projects like the Hollywood Tribute previously and who had been involved in Smith's selection, Plaintiff paid the additional \$75,000, as advised by Rosen. At the time, Plaintiff reasonably believed Smith's demand for the additional fee was nothing more than a misunderstanding.

60. However, Plaintiff was becoming concerned about the increasing cost of the event, which was exceeding \$1.25 million. Gershman had failed to put up any of the \$525,000 that Rosen and Tonken had promised, and, consequently, Plaintiff was underwriting the event entirely by himself.

61. In addition to the monies Plaintiff had expended directly for the Hollywood Tribute, Plaintiff had arranged for Tonken, who was acting as the producer of the event, to borrow approximately \$600,000 from a margin account at Merrill Lynch to underwrite expenses associated with the Hollywood Tribute and other fundraising events in which he had been involved. Tonken used approximately \$1.3 million worth of Plaintiff's stock in Stan Lee Media, Inc. as collateral for the margin account. At all relevant times, Rosen and Levin knew Plaintiff had advanced these additional monies to Tonken to enable Tonken, as producer, to pay for expenses associated with the event on Plaintiff's behalf.

62. A few days before the Hollywood Tribute, Plaintiff told Rosen, Levin, and Tonken that he could not contribute any more monies towards the event. Plaintiff also reminded Rosen, Levin and Tonken that he had paid far more for the event than he originally anticipated and that the additional commitment he

had made to Mrs. Clinton's U.S. Senate campaign -- in the form of a pledge of \$150,000 in Stan Lee Media, Inc. stock -- was not due until September 2000, when the stock became transferrable.

63. In response, Rosen, Levin, and Tonken threatened Plaintiff that if he did not continue to underwrite and serve as executive producer of the event, he would lose the considerable funds he had already put forward, damage his reputation and business interests irreparably, and never be able to work with the President after he left office.

64. During this same meeting, Plaintiff asked Rosen to have Mrs. Clinton's U.S. Senate campaign put up approximately \$200,000 to help cover the cost of printing and postage for the Hollywood Tribute. Rosen refused. He also threatened to cancel the event and blame Plaintiff for the substantial embarrassment that the President and Mrs. Clinton would suffer as a result, if Plaintiff did not continue to underwrite and serve as executive producer of the event.

65. Faced with these threats by Rosen, Levin and Tonken, Plaintiff reasonably felt he had no choice but to continue to fund the event, and was coerced and threatened into paying for still more expenses associated with the Hollywood Tribute. Plaintiff borrowed money from margins account at Merrill Lynch, using Stan Lee Media, Inc. stock as collateral, to underwrite these and other expenses associated with the Hollywood Tribute.

66. At all relevant times, the President, Mrs. Clinton, Rosen, Levin and Tonken knew and understood that Plaintiff was spending well over \$1 million, not including substantial amounts of his time and resources, on the Hollywood Tribute. In the weeks leading up to the Hollywood Tribute, President Clinton and Mrs. Clinton made at least three telephone calls to Plaintiff to thank him for his generous financial support and to encourage him to continue. Rosen also personally witnessed Plaintiff writing checks for costs associated with the fundraiser. In addition, in an August 17, 2000 report in *The*

*Washington Post*, Mrs. Clinton's U.S. Senate campaign spokesman, Howard Wolfson, admitted on behalf of Mrs. Clinton that the estimated cost of the event was over \$1 million and that "it was an in-kind contribution . . . and not a check."

67. Plaintiff repeatedly told Rosen, Levin and Tonken that neither Stan Lee Media, Inc. nor Stan Lee were using any of their own funds to underwrite the event. Ken Williams, the President and Chief Executive Officer of Stan Lee Media, Inc., confirmed this to Rosen. Rick Madden, the General Counsel of Stan Lee Media, Inc., also advised Rosen that Stan Lee Media, Inc. could not and would not incur any costs for the event.

68. Rosen also knew that Plaintiff and Oto were sharing the cost of the multi-million dollar employment package for President Clinton, and, during two "walk-throughs" of Ken Robert's estate on or about August 10-11, 2000, Plaintiff made clear to Rosen that Oto must be allowed to attend the event as a result.

69. Also during the "walk-throughs," Tonken told Mrs. Clinton's Chief of Staff, Kelly Craighead, representatives of Mrs. Clinton's U.S. Senate campaign staff, presidential advance personnel, and the U.S. Secret Service that Plaintiff was financing the event and, therefore, was "calling all the shots" about who would be allowed to attend and where they would be seated. Craighead, Mrs. Clinton's staff, presidential advance personnel, and the Secret Service responded accordingly to Plaintiff's requests.

70. The Hollywood Tribute proceeded as planned on August 12, 2000. During the event, Plaintiff and President Clinton spent six hours together and discussed the offer Plaintiff had conveyed through Levin and Plaintiff's plans to work with the President when he left office in January 2001. The President confirmed that he was aware of the offer, had agreed to its terms, and was looking forward to developing a personal and professional relationship with Plaintiff before leaving office, in anticipation of their future business relationship after leaving office.

71. President Clinton also introduced Plaintiff to his daughter, Chelsea Clinton, at the Hollywood Tribute. Chelsea Clinton sat between Plaintiff and the President during the two and one half hour concert, and Plaintiff and Chelsea Clinton discussed how Plaintiff had underwritten and served as executive producer for the event. Plaintiff and Chelsea Clinton also discussed Plaintiff's plans to work with President Clinton after the President left office, and Plaintiff suggested in front of the President that Chelsea Clinton could work for him too.

72. Other witnesses at the Hollywood Tribute with whom Plaintiff had discussed his underwriting of the event and his plans to work with President Clinton after the President left office include Michael Jackson, Larry King, Shirley MacLaine, John Travolta, Kelly Preston, Cher, Brad Pitt, Jennifer Aniston, Whoppi Goldberg, Patrick Swayze, and George Hamilton, among others. Many of these same persons attended the event as Plaintiff's personal guests.

73. As a foreign national, Oto was not allowed by law to make contributions to campaigns for federal elections, but had paid \$27,000 to attend the Hollywood Tribute. As a result, and in recognition of his role in financing the multi-million dollar employment package for President Clinton after the President left office in January 2001, President Clinton personally instructed the U.S. Secret Service and the White House Press Office to allow Oto and his Japanese news crew to be admitted to the concert portion of the event. In its August 20, 2000 issue, *US Magazine* published a photograph of a smiling Oto sitting only inches behind the President and Mrs. Clinton during the concert portion of the event.

74. In total, Plaintiff spent approximately \$1.9 million on the Hollywood Tribute, not including the fair market value of his own services in acting as executive producer of the event and the fair market value, estimated at an additional \$1 million, of the services rendered by eight (8) world class artists who performed at the concert portion of the event. The event yielded Mrs. Clinton almost \$1.5 million in "hard money" contributions for her U.S. Senate campaign, in addition to invaluable Hollywood endorsements

and nationwide publicity.

75. The following day, August 13, 2000, Plaintiff and his wife attended a brunch at the home of Barbara Streisand and James Brolin to recognize persons who had agreed to contribute \$1 million to President Clinton's presidential library. The President, Mrs. Clinton and Chelsea Clinton also were in attendance. During the brunch, Mrs. Clinton and Chelsea Clinton introduced Plaintiff's wife to Streisand as the person who, along with her husband, had underwritten the Hollywood Tribute the night before. President Clinton introduced Plaintiff's wife to Brolin in an identical manner.

76. Also during the brunch, Chelsea Clinton related to Plaintiff and other guests that she had been up late playing "Scrabble" with her mother and father after the Hollywood Tribute, and that they had discussed Plaintiff's generous gift of the event to them the night before. Chelsea Clinton stated that her father considered the event one of the highlights of his presidency and was enthusiastic about working with Plaintiff after leaving The White House.

77. Oto joined Paul and his wife at the brunch as well, again in recognition of his role in financing the multi-million dollar employment package for President Clinton after the President left office in January 2001, including their \$1 million contribution to the presidential library. At Plaintiff's request, Levin arranged for Oto to have his picture taken with President Clinton during the brunch. Levin later personally delivered the photos to Oto in Japan, although without telling Plaintiff.

78. That same night, Mrs. Clinton telephoned Plaintiff at his home to thank him again for underwriting and serving as executive producer of the Hollywood Tribute. During the conversation, Mrs. Clinton expressed how important the event was to her campaign.

79. On August 15, 2000, *The Washington Post* reported that Plaintiff had served three years in prison after felony convictions in the 1970s. A spokesman for Mrs. Clinton and her U.S. Senate campaign,

Howard Wolfson, was quoted as denying that Plaintiff had given or raised any money for the campaign. Wolfson also was quoted as stating, on behalf of Mrs. Clinton and her U.S. Senate campaign, that the campaign would not be accepting any contributions from Plaintiff. The quotes attributed to Mrs. Clinton and her U.S. Senate campaign, by and through her spokesman, were clearly false.

80. On August 17, 2000, *The Washington Post* published another report in which Mrs. Clinton acknowledged, by and through her spokesman, Wolfson, that Plaintiff had, in fact, contributed money to Mrs. Clinton's U.S. Senate campaign. However, Mrs. Clinton and her U.S. Senate campaign, by and through her spokesman, Wolfson, falsely represented that Plaintiff had made only a single contribution of \$2,000 on or about June 30, 2000. Wolfson stated that Mrs. Clinton's U.S. Senate campaign had returned the \$2,000 contribution. In the report, Wolfson also admitted that the Hollywood Tribute had cost in excess of \$1 million and was an "in kind" contribution to the campaign.

81. Levin, who was in Los Angeles at the time, met Plaintiff in his office shortly after the articles were published. Levin represented to Plaintiff that, despite the statements made by Mrs. Clinton's campaign in *The Washington Post*, his plans for working with President Clinton after the President left office in January 2001 were still on track. Levin explained, however, that Plaintiff might not be able to meet or spend much time with the President at The White House until after the November 7, 2000 elections.

82. When Plaintiff asked Levin why Mrs. Clinton's campaign had denied that Plaintiff had underwritten and served as executive producer of the Hollywood Tribute, Levin represented to Plaintiff that the denial was simply a media strategy chosen by Mrs. Clinton's U.S. Senate campaign and that Plaintiff should go along with the campaign's media strategy by remaining silent about his role in the event.

83. During this same meeting, Levin also promised Plaintiff that, after the November 7, 2000 elections, he would arrange for Plaintiff to meet the President at The White House and at Camp David to

enable Plaintiff and the President to continue to develop their personal and professional relationship, in anticipation of working together after President Clinton left office in January 2001.

84. In telephone conversations shortly after the articles were published in *The Washington Post*, Rosen and Tonken similarly represented to Plaintiff that the articles would not affect his ability to work with President Clinton after the President left office in January 2001. Rosen and Tonken also advised Plaintiff to go along with Mrs. Clinton's U.S. Senate campaign's media strategy by remaining silent about his role in the event. Both Rosen and Tonken also promised Plaintiff that they would arrange for him to meet with the President, albeit outside The White House, before the November 2000 election, to enable Plaintiff and the President to continue developing their personal and professional relationship, in anticipation of working together after President Clinton left office in January 2001.

85. On August 18, 2000, the day after the second report about Plaintiff was published in *The Washington Post*, both President Clinton and Mrs. Clinton wrote personal thank you notes to Plaintiff about the Hollywood Tribute. President Clinton's handwritten note thanked Plaintiff "for the wonderful event" and stated, "I am very grateful for the boost it gave Hillary's campaign." Mrs. Clinton thanked Plaintiff for his friendship and for the event. Both thank you notes, along with the assurances by Levin, Rosen and Tonken, confirmed to Plaintiff that his plans to work with President Clinton after the President left office were still on track.

86. At some point in August 2000, after the Hollywood Tribute, Rosen contacted Plaintiff by telephone and represented that he would be contacting Plaintiff again to discuss the allocation and reporting of Plaintiff's underwriting and services for the event. Rosen had represented to Plaintiff repeatedly that the allocation and reporting of his contributions did not need to be accomplished until after the November 2000 election.

87. Also in August 2000, Rosen repeatedly contacted Plaintiff about the transfer of the \$150,000 in Stan Lee Media, Inc. stock Plaintiff had pledged to Mrs. Clinton's U.S. Senate campaign in June 2000. Because Plaintiff already had exceeded by far the commitments he made to underwrite, serve as executive producer of, and secure talent for the Hollywood Tribute, Plaintiff was hesitant to make this additional, substantial contribution. In a telephone call in mid- to late August 2000, Rosen threatened Plaintiff that his plans to work with President Clinton after he left office "won't work out" unless the stock was transferred.

88. As a compromise, Plaintiff and Rosen agreed that Plaintiff would transfer \$55,000 worth of stock in Stan Lee Media, Inc. to the brokerage account of what Rosen characterized as women's rights organization in New York. Plaintiff and Rosen agreed that Plaintiff would transfer the stock on behalf of Mrs. Clinton and that the transfer would satisfy the June 2000 commitment. Rosen forwarded brokerage account information, via facsimile, on or about August 24, 2000, and the stock was transferred in mid- to late September 2000. At that time, however, Plaintiff was not aware that the entity to which the stock was transferred, The Working Families Party, was a political party, not a women's rights organization.

89. As a further indication that Plaintiff's plans to work with President Clinton after he left office in January 2001 were still on track, in late August or early September 2000, Levin attempted to assist in finding new investors interested in purchasing share of Stan Lee Media, Inc. stock.. While at Plaintiff's office, Levin showed Plaintiff a one-page list, on White House-watermarked stationery, of major donors to President Clinton. Levin placed telephone calls to these donors, on President Clinton's behalf, asking them to invest in Stan Lee Media, Inc. stock and directing them to a Merrill Lynch stock broker in Los Angeles, Jonathan Gordon. On information and belief, Levin acted at the direction of and with the authorization of President Clinton in trying to identify new investors in Stan Lee Media, Inc. stock, as Plaintiff and President had discussed Levin's providing such assistance at the August 12, 2000 Hollywood

Tribute. To introduce Levin to the stock and to reimburse him for expenses he incurred in helping to find new investors, shares of stock were transferred to Levin.

90. On September 17, 2000, the President and Mrs. Clinton hosted their last state dinner at The White House, which was held in honor of Indian Prime Minister Atal Behari Vajpayee. Plaintiff originally had been invited to attend the dinner, but because of the reports in *The Washington Post*, Levin advised him not to do so. At Plaintiff's request, and to show Plaintiff that his plans to work with President Clinton after he left office in January 2001 were still on track, Levin arranged for Oto to attend the dinner and to have a private tour of the Oval Office. Because Oto was a Japanese national and, by White House custom and policy, foreign nationals ordinarily are not invited to state dinners unless their country is being honored, Levin had to make special arrangements for Oto to attend the dinner. While touring the Oval Office, Oto had his picture taken sitting at President Clinton's desk. Without Plaintiff's knowledge, Levin later personally delivered these and other photographs of Oto and the President, taken at Barbara Streisand's house on August 13, 2000, to Oto in Japan.

91. At or about this same time period, and as yet another indication that Plaintiff's plans to work with President Clinton after he left office in January 2001 were still on track, President Clinton, acting by and through Tonken, agreed to meet Plaintiff at Los Angeles International Airport during a presidential trip to California. Based on this President Clinton's agreement to meet with him, Plaintiff authorized the transfer of the \$55,000 worth of stock, on Mrs. Clinton's behalf, to the New York organization identified by Rosen.

92. Tonken arranged for Plaintiff to be placed at the front of the presidential receiving line, along with California Governor Gray Davis, when Air Force One landed in Los Angeles on or about September 22, 2000. In the receiving line, the President allowed Plaintiff to videotape him thanking Plaintiff again for

the Hollywood Tribute. President Clinton also recorded a videotaped message for Plaintiff's wife. After meeting with President Clinton, Plaintiff also was given a tour of Air Force One.

93. By October 2000, Smith still had not provided Plaintiff with an edited videotape of the concert portion of the Hollywood Tribute, despite the fact that Plaintiff's original agreement with Smith required him to do so within one week of the event. In late October 2000, Levin made repeated inquiries to Plaintiff about the status of the videotape, informing Plaintiff that the President and Mrs. Clinton were eager to receive the concert videotape by the end of October in order to make copies to send out as Christmas gifts and to assist in fundraising for the Clinton Presidential Library. Plaintiff attempted to contact Smith repeatedly, but Smith would not return his telephone calls. Plaintiff finally learned, through Tonken, that Smith was withholding the videotape until he received payment for additional expenses he allegedly incurred in producing the concert. Plaintiff's best, current recollection, without the benefit of having reviewed documentation on the issue, is that he did not learn of the additional, alleged expenses until well after October 12, 2000, in late October or early November 2000.

94. In late October or early November 2000, Plaintiff contacted an attorney to attempt to negotiate a resolution with Smith and to secure release of the videotape. Plaintiff also contacted Levin, who counseled Plaintiff to pay Smith the additional monies, telling him again that the President and Mrs. Clinton were eager to receive the tape. After further negotiations with Smith, Plaintiff agreed to pay Smith an additional \$6,100.00, albeit in exchange for release of an unedited, rather than an edited, version of the videotape.

95. Plaintiff arranged for his attorney to pay Smith the additional \$6,100.00, which Plaintiff's attorney did on or about November 10, 2000. Plaintiff was forced to pay \$5,000 to another contractor to produce an edited version of the videotape for the President and Mrs. Clinton.

96. Also in October 2000, Tonken arranged for President and Mrs. Clinton to videotape a greeting to

be aired in conjunction with the televised broadcast rights of the Hollywood Christmas Parade. Plaintiff had obtained the international broadcasts to the parade, which was to take place on or about Saturday, December 2, 2000, for Stan Lee Media, Inc. Scripts of the greeting were prepared and sent to the President and Mrs. Clinton. Tonken represented to Plaintiff that the President and Mrs. Clinton had videotaped the greeting from their home in Chappaqua, New York shortly before the November 7, 2000 election. Plaintiff never received the videotaped greeting, however.

97. On November 7, 2000, Mrs. Clinton was elected to the U.S. Senate from the State of New York.

98. After the election, neither the President nor Mrs. Clinton had any further personal contacts or communications with Plaintiff, other than a generic Christmas card sent out by The White House bearing a facsimile of the President's and Mrs. Clinton's signatures. Nor did Rosen ever meet with Plaintiff to discuss the allocation and reporting of Plaintiff's "in kind" contributions to Mrs. Clinton's U.S. Senate campaign.

99. In late November 2000, Plaintiff learned that, contrary to Levin's promises and representations in late July 2000 about respecting the proprietary nature of Plaintiff's business relationship with Oto, Levin had set up a U.S. subsidiary of Venture Soft Co., Ltd., called Venture Soft USA, Inc., on Oto's behalf. On information and belief, Levin received a fee of at least \$100,000 from Oto for his services and for introducing Oto to the President.

100. By late November 2000, after having no further personal contacts or communications with the Clintons and after Rosen failed to meet with Plaintiff to discuss reporting Plaintiff's contributions, among the other developments referenced above, Plaintiff reasonably began to suspect that each of the Defendants had never intended to fulfill any of the promises they each had made to Plaintiff.

101. In December 2000, Stan Lee Media, Inc. began suffering financial setbacks that ultimately led to its filing for bankruptcy.

102. On or about December 27, 2000, Plaintiff went to Brazil to oversee an affiliate of Mondo English, Inc. that he had established there in 1997.

103. On January 20, 2001, President Clinton left office. No working relationship between Plaintiff and the President ever materialized, even though Mondo English, Inc. continued in operation and even though President Clinton had agreed to work with Plaintiff and his companies, including Mondo English, Inc.

104. Under federal campaign finance laws and regulations, Mrs. Clinton's U.S. Senate campaign was required to file reports with the Federal Election Commission setting forth any and all contributions received by the campaign, including the "in-kind" contributions made by Plaintiff in underwriting and serving as executive producer of the Hollywood Tribute and in otherwise supporting Mrs. Clinton's U.S. Senate campaign.

105. Under federal campaign finance laws and regulations, any contributions that are determined to exceed federal campaign fundraising limits are to be refunded to the donor within sixty (60) days or reallocated in a manner that is consistent with the donor's intent.

106. In late February 2001, after Plaintiff had made numerous calls to Rosen over the course of several months to find out how his contributions were going to be reported to the Federal Election Commission, Plaintiff was shocked to discover, by reviewing Senator Clinton's campaign filings via the Federal Election Commission's Internet website, that except for the \$2,000 contribution refunded in August 2000, none of his contributions to Senator Clinton and her U.S. Senate campaign had been reported. Nor has Mrs. Clinton's U.S. Senate campaign refunded any of these contributions to Plaintiff.

107. The only report to the Federal Election Commission of any possible involvement by Plaintiff in the Hollywood Tribute is a January 31, 2001 report of a \$366,564.69 contribution allegedly received by New York Senate 2000 from Stan Lee Media, Inc. This report is false, because Plaintiff, not Stan Lee Media,

Inc., underwrote and provided services and world class talent for the Hollywood Tribute and because Plaintiff made these contributions to Mrs. Clinton's U.S. Senate campaign, not to New York Senate 2000.

108. At no point during this time period was Plaintiff advised by anyone, nor did Plaintiff understand, that any of his contributions to Mrs. Clinton's U.S. Senate campaign might run afoul of federal campaign finance laws. In fact, Plaintiff accurately believed it was the obligation of Mrs. Clinton's U.S. Senate campaign to determine the legality of his contributions and to allocate and report them in an appropriate, lawful manner.

109. By the end of February 2001, after President Clinton left office, but failed to contacted Plaintiff about their agreement to work together, and after Senator Clinton's campaign failed to accurately report Plaintiff's contributions to the Federal Election Commission, Plaintiff's suspicions of fraud by each Defendant were confirmed.

110. On June 19, 2001, Plaintiff filed suit against President Clinton, Senator Clinton, Senator Clinton's U.S. Senate campaign, New York Senate 2000, Rosen and Tonken in order to recover the monies he expended for the Hollywood Tribute, among other damages. That action, which was filed in Los Angeles County Superior Court, was captioned *Peter F. Paul v. William Jefferson Clinton, et al.*, Case No. BC 252654 (Los Angeles Co. Sup. Ct.).

111. On July 16, 2001, Plaintiff wrote to Senator Clinton demanding that she and her U.S. Senate campaign return his contributions. Plaintiff also filed a complaint with the Federal Election Commission on or about that same date.

112. Senator Clinton failed to respond to Plaintiff's July 16, 2001 demand for a refund, and, on or about August 10, 2001, the Federal Election Commission notified Plaintiff that it was investigating him for potential federal campaign finance violations.

113. On or about December 10, 2001, the Los Angeles County Superior Court dismissed Plaintiff's

lawsuit against the President and Mrs. Clinton, among others, on the purported grounds that Plaintiff was a fugitive from federal criminal charges arising from his alleged use and control of Stan Lee Media, Inc. stock, among other matters, even though Plaintiff was in the custody of the Brazilian federal police at the time and was awaiting extradition to the United States.

114. On or about September 12, 2003, Plaintiff was placed in the custody of U.S. officials and extradited to the United States. As a result, his claims are now undeniably ripe for review.

**FIRST CAUSE OF ACTION**  
**(For Fraud and Deceit)**  
**(Against Defendants William Jefferson Clinton and James Levin)**

115. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 114 above.

116. With regard to the allegations of fraud in this cause of action, at all relevant times Defendant James Levin was acting as an agent for Defendant William Jefferson Clinton and was authorized to speak for and on behalf of Defendant William Jefferson Clinton.

117. With regard to each false representation alleged in this cause of action, at all relevant times Plaintiff was unaware that the representation was false.

118. Defendant William Jefferson Clinton and his agent, Defendant James Levin, owed Plaintiff a duty to disclose all material facts concerning or relating to the business relationship and employment agreement negotiated by Plaintiff and Defendant William Jefferson Clinton, by and through his agent, Defendant James Levin, in mid-July 2000 and commencing after Defendant William Jefferson Clinton left The White House in January 2001. Defendants failed to disclose and suppressed information as alleged in this cause of action with the intent to induce Plaintiff to act.

119. Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant

James Levin, falsely promised and represented to Plaintiff, in meetings and telephone conversations throughout July and August 2000, that he would work for Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., after leaving The White House in January 2001.

120. On information and belief, Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, made these false promises and representations to Plaintiff knowing that Defendant William Jefferson Clinton had no intention of working with Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., after leaving the White House in January 2001.

121. On information and belief, in making these false promises and representations to Plaintiff, Defendant William Jefferson Clinton and his agent, Defendant James Levin, intended to deceive Plaintiff and intended to induce Plaintiff to underwrite and serve as executive producer for the Hollywood Tribute and to make substantial, additional contributions to the U.S. Senate campaign of his wife, Defendant Hillary Rodham Clinton.

122. Plaintiff reasonably relied on the false promises and representations made by Defendant William Jefferson Clinton personally and acting by and through his agent, Defendant James Levin, by expending in excess of \$1.9 million to underwrite and serve as executive producer of the Hollywood Tribute and by making substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign. Had Defendant William Jefferson Clinton and Defendant James Levin not made these false promises and representations to Plaintiff, Plaintiff would not have expended any funds to underwrite and serve as executive producer of the event, nor would he have made substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign.

123. As a proximate result of the false promises and representations made by Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, Plaintiff has

been deprived of an amount in excess of \$1.9 million, including but not limited to the substantial funds and other resources he expended to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise support Defendant Hillary Rodham Clinton's U.S. Senate campaign.

124. In undertaking the acts alleged in this cause of action, Defendants William Jefferson Clinton and James Levin engaged in fraudulent, oppressive and malicious conduct, and Plaintiff is, therefore, entitled to an award of general, special and punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendants William Jefferson Clinton and James Levin, jointly and severally, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**SECOND CAUSE OF ACTION**  
**(For Negligent Misrepresentation)**

**(Against Defendants William Jefferson Clinton and James Levin)**

125. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 124, above.

126. With regard to the allegations of negligent misrepresentation in this cause of action, at all relevant times Defendant James Levin was acting as an agent for Defendant William Jefferson Clinton and was authorized to speak for and on behalf of Defendant William Jefferson Clinton.

127. With regard to each representation alleged in this cause of action, the representation was false, and at all relevant times Plaintiff was unaware of the falsity of the representation.

128. Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, negligently misrepresented to Plaintiff, in meetings and telephone conversations throughout July and August 2000, that he would work for Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., after leaving The White House in January 2001.

129. On information and belief, at the time Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, made these misrepresentations to Plaintiff, he had no reasonable ground for believing them to be true because Defendant William Jefferson Clinton had no intention of working for Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., after leaving The White House in January 2001.

130. On information and belief, in making these misrepresentations to Plaintiff, Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, intended to induce Plaintiff to underwrite and serve as executive producer for the Hollywood Tribute and to make substantial, additional contributions to the U.S. Senate campaign of his wife, Defendant Hillary Rodham Clinton.

131. Plaintiff reasonably relied on the misrepresentations made by Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, by spending in excess of \$1.9 million to underwrite and serve as executive producer of the Hollywood Tribute and by making substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign. Had these misrepresentations not been made, Plaintiff would not have expended any funds to underwrite and serve as executive producer of the event, nor would he have made substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign.

132. As a proximate result of the misrepresentations made by Defendant William Jefferson Clinton, personally and acting by and through his agent, Defendant James Levin, Plaintiff has been deprived of an amount in excess of \$1.9 million, including but not limited to the substantial funds and other resources he expended to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

133. In undertaking the acts alleged in this cause of action, Defendants William Jefferson Clinton and James Levin engaged in negligent conduct, and Plaintiff is, therefore, entitled to an award of general and special damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendants William Jefferson Clinton and James Levin, jointly and severally, including an award of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**THIRD CAUSE OF ACTION**  
**(For Unfair Competition [Bus. & Prof. Code § 17200])**  
**(Against Defendants William Jefferson Clinton and James Levin)**

134. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 133, above.

135. Defendants William Jefferson Clinton and James Levin violated Business and Professions Code § 17200 by engaging in acts or practices that include, but are not necessarily limited to, the following:

- (a) falsely promising and representing to Plaintiff, in meetings and telephone conversations throughout July and August 2000, that he would work for Plaintiff and his companies, Stan Lee Media, Inc. and Mondo English, Inc., after leaving The White House in January 2001;
- (b) threatening Plaintiff that, if he did not continue to underwrite and serve as executive producer of the Hollywood Tribute, and otherwise continue to support Defendant Hillary Rodham Clinton's U.S. Senate campaign, he would lose the considerable funds he already had put forward for the event, damage his reputation and business interests irreparably, and never be able to work with Defendant William Jefferson Clinton after Defendant William Jefferson Clinton left The White House in January 2001.

136. As a result of the aforementioned acts of unfair competition, Plaintiff is entitled to restitution pursuant to Bus. & Prof. Code § 17203.

WHEREFORE, Plaintiff demands judgment be entered against Defendants William Jefferson Clinton and James Levin, jointly and severally, including an order of restitution, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**FOURTH CAUSE OF ACTION**  
**(For Unjust Enrichment)**  
**(Against Defendant William Jefferson Clinton)**

137. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 135, above.

138. Defendant William Jefferson Clinton personally and directly benefitted from the substantial funds and other resources expended by Plaintiff to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist the U.S. Senate campaign of his wife, Defendant Hillary Rodham Clinton.

139. Defendant William Jefferson Clinton has been unjustly enriched at Plaintiff's expense.

140. The circumstances of Defendant's unjust enrichment are such that he should, in good conscience, make restitution to Plaintiff.

141. As a proximate result of Defendant's failure to make restitution, Plaintiff suffered substantial damages.

WHEREFORE, Plaintiff demands judgment be entered against Defendant William Jefferson Clinton including an award of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**FIFTH CAUSE OF ACTION**  
**(For Civil Conspiracy)**  
**(Against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen)**

142. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 141, above.

143. On information and belief, Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S.

Senate Committee, Inc., and David Rosen tacitly and/or expressly agreed with Defendants William Jefferson Clinton and James Levin to commit one or more of the unlawful acts referenced in the First and Third Causes of Action, above.

144. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen acted intentionally and/or with reckless disregard for Plaintiff's rights.

145. As a proximate result, Plaintiff suffered substantial damages, including but not limited to in excess of \$1.9 million expended by Plaintiff to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**SIXTH CAUSE OF ACTION**  
**(For Fraud and Deceit)**  
**(Against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen)**

146. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 145, above.

147. With regard to the allegations of fraud in this cause of action, at all relevant times Defendant David Rosen was acting as an agent for Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc. and was authorized to speak for and on behalf of Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc.

148. With regard to each false representation alleged in this cause of action, at all relevant times Plaintiff was unaware that the representation was false.

149. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee Inc., and their agent, Defendant David Rosen, owed Plaintiff a duty to disclose all material facts concerning or relating to Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen failed to disclose and suppressed information as alleged in this cause of action with the intent to induce Plaintiff to act.

150. Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, falsely promised and represented to Plaintiff, in meetings and telephone conversations between July 11, 2000 and August 12, 2000, that Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign would be allocated and reported to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations.

151. On information and belief, Defendant Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, made these false promises and representations to Plaintiff knowing that Defendant Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc. had no intention of allocating or reporting Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations.

152. On information and belief, in making these false promises and representations to Plaintiff, Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, intended to deceive Plaintiff and intended to induce Plaintiff to underwrite and serve as executive producer for the Hollywood Tribute and to make substantial,

additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign.

153. Plaintiff reasonably relied on the false promises and representations made by Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, by expending in excess of \$1.9 million to underwrite and serve as executive producer of the Hollywood Tribute and by making substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign. Had Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, not made these false promises and representations to Plaintiff, Plaintiff would not have expended any funds to underwrite and serve as executive producer of the event, nor would he have made substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign.

154. As a proximate result of the false promises and representations made by Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, Plaintiff has been deprived of an amount in excess of \$1.9 million, including but not limited to the substantial funds and other resources he expended to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise support Defendant Hillary Rodham Clinton's U.S. Senate campaign.

155. In undertaking the acts alleged in this cause of action, Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen engaged in fraudulent, oppressive and malicious conduct, and Plaintiff is, therefore, entitled to an award of general, special and punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen, jointly and severally,

including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**SEVENTH CAUSE OF ACTION**  
**(For Negligent Misrepresentation)**  
**(Against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen)**

156. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 155, above.

157. With regard to the allegations of negligent misrepresentation in this cause of action, at all relevant times Defendant David Rosen was acting as an agent for Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc. and was authorized to speak for and on behalf of Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc.

158. With regard to each representation alleged in this cause of action, the representation was false, and at all relevant times Plaintiff was unaware of the falsity of the representation.

159. Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, negligently misrepresented to Plaintiff, in meetings and telephone conversations between July 11, 2000 and August 12, 2000, that Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign would be allocated and reported to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations.

160. On information and belief, at the time Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, made these misrepresentations to Plaintiff, they had no reasonable ground for believing them to be true because Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc. had no

intention of allocating and reporting Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations.

161. On information and belief, in making these misrepresentations to Plaintiff, Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, intended to induce Plaintiff to underwrite and serve as executive producer for the Hollywood Tribute and to make substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign.

162. Plaintiff reasonably relied on the misrepresentations made by Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, by expending in excess of \$1.9 million to underwrite and serve as executive producer of the Hollywood Tribute and by making substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign. Had these misrepresentations not been made, Plaintiff would not have expended any funds to underwrite and serve as executive producer of the event, nor would he have made substantial, additional contributions to Defendant Hillary Rodham Clinton's U.S. Senate campaign

163. As a proximate result of the misrepresentations made by Defendants Hillary Rodham Clinton and Hillary Rodham Clinton for U.S. Senate Committee, Inc., acting by and through their agent, Defendant David Rosen, Plaintiff has been deprived of an amount in excess of \$1.9 million, including but not limited to the substantial funds and other resources he expended to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

164. In undertaking the acts alleged in this cause of action, Defendants Hillary Rodham Clinton, Hillary

Rodham Clinton for U.S. Senate Committee, Inc. and David Rosen engaged in negligent conduct, and Plaintiff is, therefore, entitled to an award of general and special damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc. and David Rosen, jointly and severally, including an award of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**EIGHTH CAUSE OF ACTION**  
**(For Unfair Competition [Bus. & Prof. Code § 17200])**  
**(Against Defendants Hillary Rodham Clinton, Hillary Rodham**  
**Clinton for U.S. Senate Committee, Inc., and David Rosen)**

165. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 164, above.

166. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen violated Business and Professions Code § 17200 by engaging in acts or practices that include, but are not necessarily limited to, the following:

(a) falsely promising and representing to Plaintiff, in meetings and telephone conversations between July 11, 2000 and August 12, 2000, that Plaintiff's contributions to and support for Defendant Hillary Rodham Clinton's U.S. Senate campaign would be allocated and reported to federal election authorities in a manner that was consistent with Plaintiff's donative intent and complied with all applicable laws and regulations;

(b) threatening Plaintiff that, if he did not continue to underwrite and serve as executive producer of the Hollywood Tribute and otherwise continue to support Defendant Hillary Rodham Clinton's U.S. Senate campaign, the event would be cancelled and Plaintiff would lose the considerable funds he already

had put forward, be blamed for causing substantial embarrassment to Defendants William Jefferson Clinton and Hillary Rodham Clinton, damage his reputation and business interests irreparably, and never be able to work with Defendant William Jefferson Clinton after Defendant William Jefferson Clinton left The White House in January 2001.

167. As a result of the aforementioned acts of unfair competition, Plaintiff is entitled to restitution pursuant to Bus. & Prof. Code § 17203.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen, jointly and severally, including an order of restitution, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**NINTH CAUSE OF ACTION**  
**(For Unjust Enrichment)**  
**(Against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and New York Senate 2000)**

168. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 167, above.

169. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and New York Senate 2000 personally and directly benefitted from the substantial funds and other resources expended by Plaintiff to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

170. Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and New York Senate 2000 have been unjustly enriched at Plaintiff's expense.

171. The circumstances of Defendants' unjust enrichment are such that they should, in good conscience, make restitution to Plaintiff.

172. As a proximate result of Defendants' failure to make restitution, Plaintiff suffered substantial

damages.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and New York Senate 2000 including an award of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**TENTH CAUSE OF ACTION**  
**(For Civil Conspiracy)**

**(Against Defendants William Jefferson Clinton and James Levin)**

173. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 172, above.

174. On information and belief, Defendants William Jefferson Clinton and James Levin tacitly and/or expressly agreed with Defendants Hillary Rodham Clinton, Hillary Rodham Clinton for U.S. Senate Committee, Inc., and David Rosen to commit one or more of the unlawful acts referenced in the Sixth and Eighth Causes of Action, above.

175. Defendants William Jefferson Clinton and James Levin acted intentionally and/or with reckless disregard for Plaintiff's rights.

176. As a proximate result, Plaintiff suffered substantial damages, including but not limited to in excess of \$1.9 million expended by Plaintiff to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

WHEREFORE, Plaintiff demands judgment be entered against Defendants William Jefferson Clinton and James Levin, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**ELEVENTH CAUSE OF ACTION**  
**(For Fraud and Deceit)**  
**(Against Defendant Gary Smith)**

177. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 176, above.

178. With regard to each false representation alleged in this cause of action, at all relevant times Plaintiff was unaware that the representation was false.

179. Defendant Gary Smith owed Plaintiff a duty to disclose all material facts concerning or relating to Plaintiff's retaining him to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert. Defendant Gary Smith failed to disclose and suppressed information as alleged in this cause of action with the intent to induce Plaintiff to act.

180. Defendant Gary Smith falsely promised and represented to Plaintiff on July 14, 2000 that he would accept an agreed-upon, "turn key" fee, inclusive of all expenses, to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert. Defendant Gary Smith subsequently lowered his fee by \$50,000 after the personal intervention of Defendant Hillary Rodham Clinton.

181. On information and belief, Defendant Gary Smith made this false promise and representation to Plaintiff knowing that he had no intention of abiding by the agreed upon "turn key" fee to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert.

182. On information and belief, in making this false promise and representation to Plaintiff, Defendant Gary Smith intended to deceive Plaintiff and intended to induce Plaintiff to retain him and to begin making payments to him to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert.

183. Plaintiff reasonably relied on this false promise and representation made by Defendant Gary Smith

by agreeing to retain Defendant Gary Smith and by making payments to Defendant Gary Smith to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert.

Had Defendant Gary Smith not made this false promise and representation to Plaintiff, Plaintiff would not have agreed to retain Defendant Gary Smith, nor would Plaintiff have begun making payments to Defendant Gary Smith.

184. As a proximate result of the false promises and representations made by Defendant Gary Smith, Plaintiff has been deprived of an amount in excess of \$80,000 that Defendant Gary Smith demanded as additional compensation and that Plaintiff was forced to pay for services Defendant Gary Smith had agreed to perform.

185. In undertaking the acts alleged in this cause of action, Defendant Gary Smith engaged in fraudulent, oppressive and malicious conduct, and Plaintiff is, therefore, entitled to an award of general, special and punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendant Gary Smith, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**TWELFTH CAUSE OF ACTION**  
**(For Negligent Misrepresentation)**  
**(Against Defendant Gary Smith)**

186. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 187, above.

187. With regard to each representation alleged in this cause of action, the representation was false, and at all relevant times Plaintiff was unaware of the falsity of the representation.

188. Defendant Gary Smith negligently misrepresented to Plaintiff on July 14, 2000 that he would

accept an agreed upon, “turn key” fee, inclusive of all expenses, to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert. Defendant Gary Smith subsequently lowered his fee by \$50,000 after the personal intervention of Defendant Hillary Rodham Clinton.

189. On information and belief, at the time Defendant Gary Smith made this misrepresentation to Plaintiff, he had no reasonable ground for believing it to be true because he had no intention of abiding by the agreed upon “turn key” fee to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert.

190. On information and belief, in making this misrepresentation to Plaintiff, Defendant Gary Smith intended to induce Plaintiff to retain him and to begin making payments to him to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert.

191. Plaintiff reasonably relied on this misrepresentation made by Defendant Gary Smith by agreeing to retain Defendant Gary Smith and by making payments to Defendant Gary Smith to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert. Had Defendant Gary Smith not made this false promise and representation to Plaintiff, Plaintiff would not have agreed to retain Defendant Gary Smith, nor would Plaintiff have begun making payments to Defendant Gary Smith.

192. As a proximate result of this misrepresentation made by Defendant Gary Smith, Plaintiff has been deprived of an amount in excess of \$80,000 that Defendant Gary Smith demanded as additional compensation and that Plaintiff was forced to pay for services Defendant Gary Smith had agreed to perform.

193. In undertaking the acts alleged in this cause of action, Defendant Gary Smith engaged in negligent conduct, and Plaintiff is, therefore, entitled to an award of general and special damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendant Gary Smith, including an award

of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**THIRTEENTH CAUSE OF ACTION**  
**(For Unfair Competition [Bus. & Prof. Code § 17200])**  
**(Against Defendant Gary Smith)**

194. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 193, above.

195. Defendant Gary Smith violated Business and Professions Code § 17200 by engaging in acts or practices that include, but are not necessarily limited to, the following:

- (a) falsely promising and representing to Plaintiff on July 14, 2000 that he would accept an agreed-upon, "turn key" fee, inclusive of all expenses, to produce the concert portion of the Hollywood Tribute and an edited videotape of the concert; and
- (b) threatening to quit shortly before the Hollywood Tribute unless Plaintiff paid him an additional \$75,000 "personal production fee" and subsequently demanding an additional monies before releasing an unedited videotape of the concert portion of the event.

196. As a result of the aforementioned acts of unfair competition, Plaintiff is entitled to restitution pursuant to Bus. & Prof. Code § 17203.

WHEREFORE, Plaintiff demands judgment be entered against Defendant Gary Smith, including an order of restitution, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**FOURTEENTH CAUSE OF ACTION**  
**(For Civil Conspiracy)**  
**(Against Defendants Hillary Rodham Clinton and David Rosen)**

197. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 198, above.

199. On information and belief, Defendants Hillary Rodham Clinton and David Rosen tacitly and/or expressly agreed with Defendant Gary Smith to commit one or more of the unlawful acts referenced in the Eleventh and Thirteenth Causes of Action, above.

200. Defendants Hillary Rodham Clinton and David Rosen acted intentionally and/or with reckless disregard for Plaintiff's rights.

201. As a proximate result, Plaintiff suffered substantial damages, including but not limited to in excess of \$80,000 that Defendant Gary Smith demanded as additional compensation and that Plaintiff was forced to pay for services Defendant Gary Smith had agreed to perform.

WHEREFORE, Plaintiff demands judgment be entered against Defendants Hillary Rodham Clinton and David Rosen, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**FIFTEENTH CAUSE OF ACTION**  
**(For Fraud and Deceit)**  
**(Against Defendant James Levin)**

202. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 201, above.

203. With regard to each false representation alleged in this cause of action, at all relevant times Plaintiff was unaware that the representation was false.

204. Defendant James Levin owed Plaintiff a duty to disclose all material facts concerning or relating to his contacts and communications with Tendo Oto, which whom Plaintiff enjoyed a proprietary business relationship that Defendant James Levin had acknowledged and agreed to respect. Defendant James Levin failed to disclose and suppressed information as alleged in this cause of action with the intent to induce Plaintiff to act.

205. Defendant James Levin falsely promised and represented to Plaintiff in late July 2000 that he would respect the proprietary nature of Plaintiff's business relationship with Oto.

206. On information and belief, Defendant James Levin made this false promise and representation to Plaintiff knowing that he had no intention of respecting the proprietary nature of Plaintiff's business relationship with Oto, but instead intended to establish a business relationship of his own with Oto.

207. On information and belief, in making this false promise and representation to Plaintiff, Defendant James Levin intended to deceive Plaintiff and intended to induce Plaintiff to introduce him to Oto.

208. Plaintiff reasonably relied on this false promise and representation made by Defendant James Levin by introducing Defendant James Levin to Oto. Had Defendant James Levin not made this false promise and representation to Plaintiff, Plaintiff would not have introduced Defendant James Levin to Oto.

209. As a proximate result of this false promise and representation made by Defendant James Levin, Plaintiff has been damaged in an amount currently unknown to Plaintiff.

210. In undertaking the acts alleged in this cause of action, Defendant James Levin engaged in fraudulent, oppressive and malicious conduct, and Plaintiff is, therefore, entitled to an award of general, special and punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendant James Levin, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**SIXTEENTH CAUSE OF ACTION**  
**(For Negligent Misrepresentation)**  
**(Against Defendant James Levin)**

211. Plaintiff realleges and incorporates by reference herein each and every allegation contained in

paragraphs 1 through 210, above.

212. With regard to each representation alleged in this cause of action, the representation was false, and at all relevant times Plaintiff was unaware of the falsity of the representation.

213. Defendant James Levin negligently misrepresented to Plaintiff in late July 2000 that he would respect the proprietary nature of Plaintiff's business relationship with Tendo Oto.

214. On information and belief, at the time Defendant James Levin made this misrepresentation to Plaintiff, he had no reasonable ground for believing it to be true because he had no intention of respecting the proprietary nature of Plaintiff's business relationship with Oto, but instead intended to establish a business relationship of his own with Oto.

215. On information and belief, in making this misrepresentation to Plaintiff, Defendant James Levin intended to induce Plaintiff to introduce him to Oto.

216. Plaintiff reasonably relied on this misrepresentation made by Defendant James Levin by agreeing to introduce Defendant James Levin to Oto. Had Defendant James Levin not made this false promise and representation to Plaintiff, Plaintiff would not have introduced Defendant James Levin to Oto.

217. As a proximate result of this misrepresentation made by Defendant James Levin, Plaintiff has been damaged in an amount currently unknown to Plaintiff.

218. In undertaking the acts alleged in this cause of action, Defendant James Levin engaged in negligent conduct, and Plaintiff is, therefore, entitled to an award of general and special damages in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment be entered against Defendant James Levin, including an award of compensatory damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**SEVENTEENTH CAUSE OF ACTION**  
**(For Civil Conspiracy)**

**(Against Defendant Aaron Tonken)**

219. Plaintiff realleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 218, above.

220. On information and belief, Defendant Aaron Tonken tacitly and/or expressly agreed with Defendants William Jefferson Clinton, Hillary Rodham Clinton, Hillary Rodham Clinton for Senate Committee, Inc., David Rosen, and James Levin to commit one or more of the foregoing unlawful acts set forth in the First, Third, Sixth and Eighth Causes of Action, above.

221. Defendant Aaron Tonken acted intentionally and/or with reckless disregard for Plaintiff's rights.

222. As a proximate result, Plaintiff suffered substantial damages, including but not limited to in excess of \$1.9 million expended by Plaintiff to underwrite and serve as executive producer of the Hollywood Tribute and to otherwise assist Defendant Hillary Rodham Clinton's U.S. Senate campaign.

WHEREFORE, Plaintiff demands judgment be entered against Defendant Aaron Tonken, including an award of compensatory damages, punitive damages, reasonable attorneys' fees, pre-judgment interest, post-judgment interest, costs and such other relief as the Court deems just and proper.

**Plaintiff demands a jury trial on all issues so triable.**

DATED: February 25, 2004

By:

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