

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Michael Whitaker

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Attorneys for Plaintiff
SUSAN FOUNTAIN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

21STCV30626

SUSAN FOUNTAIN, an individual,

Plaintiff,

v.

BRIAN HUGH WARNER aka MARILYN
MANSON, an individual,
and DOES 1 through 10, Inclusive.

Defendants.

CASE NO.
COMPLAINT FOR DAMAGES

1. ASSAULT
2. BATTERY
**3. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

DEMAND FOR JURY TRIAL

Plaintiff SUSAN FOUNTAIN alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff SUSAN FOUNTAIN (hereinafter referred to as “Ms. Fountain” or “Plaintiff”) is, and at all times herein mentioned was, a competent adult.

2. On information and belief, Plaintiff alleges that Defendant BRIAN HUGH WARNER aka MARILYN MANSON (“Defendant” or “WARNER”) is, and at all times herein mentioned was, an individual residing in the County of Los Angeles.

1 10. Ms. Fountain was shocked and disgusted by WARNER’S conduct. She was aware of
2 others witnessing the assault and heard the director comment to the effect that it was “gross and
3 disgusting”.

4 11. Ms. Fountain climbed down from the case and paused to collect herself. She then
5 cleaned the lens and the hood, removing a “puddle of sputum”. During that time, her filming duties
6 and the video were interrupted.

7 12. Once she had cleaned the camera equipment, Ms. Fountain once again began to video
8 WARNER. Defendant then approached Ms. Fountain. Fearing a second bodily fluid attack, Ms.
9 Fountain hurriedly removed herself from the road case, and was no longer on the platform. WARNER
10 then turned and began to walk away.

11 13. Ms. Fountain re-positioned herself onto the case and started filming from a higher
12 angle. Ms. Fountain, who had worked a camera operator for countless musical acts over 20 years of
13 her career, was experienced ensuring that she was properly situated for filming without disrupting the
14 production.

15 14. However, once she was back on the platform and/or case, WARNER then abruptly
16 turned around and approached Ms. Fountain. Despite her fear of being assaulted again, she continued
17 to film. WARNER then occluded one of his nostrils and expelled bodily fluids right onto Ms.
18 Fountain.

19 15. Upset, Ms. Fountain cursed at WARNER – who did not have any reaction to her – and
20 she hurried down from the platform, removed her headset, and placed the camera on the ground.

21 16. WARNER mocked and pointed at Ms. Fountain while laughing in her face. His assault
22 was captured on the large venue monitors for the attendees to see. Fans in the crowd also recorded
23 WARNER’S disgusting conduct and offensive behavior, and subsequently posted video of the assault
24 on YouTube.

25 17. After being humiliated and assaulted with bodily fluids, she immediately left the pit
26 and went to the restroom facilities. Ms. Fountain was wearing short sleeves and shorts, and had to
27 wash down both arms and legs.

28 18. Afterwards, Ms. Fountain went to the video office, whereby she was removed from the

1 pit and unable to continue her job – i.e. film the remainder of the event.

2 19. Ms. Fountain subsequently consulted a physician and underwent testing to ensure that
3 she had not contracted any communicable diseases as a result of her exposure to potentially hazardous
4 body fluids. Ms. Fountain underwent a second round of testing several months later to ensure that
5 she was not exposed.

6 20. In addition to the video recordings evidencing the incident and WARNER’S assault on
7 Ms. Fountain, Plaintiff also reported the incident to the Gilford Police Department and directly to the
8 concert venue.

9 21. Plaintiff is informed and believes that WARNER had engaged in this conduct at other
10 concerts. For example, there was a video capturing him stating that he had swine flu just before he
11 blew his nose on people on the stage.

12
13 **FIRST CAUSE OF ACTION FOR ASSAULT**

14 (As Against All Defendants)

15 22. Plaintiff repeats and repleads and incorporates by reference, paragraphs 1 through 21,
16 inclusive, above, as though fully set forth herein.

17 23. “Assault” under California law consists of (1) defendant threatened to touch plaintiff
18 in a harmful or offensive manner; (2) it reasonably appeared to the plaintiff the defendant was about
19 to carry out the threat; (3) the plaintiff did not consent to the defendant’s conduct; (4) the plaintiff was
20 harmed; and (5) the defendant’s conduct was a substantial factor in causing plaintiff’s harm. See
21 Judicial Council of Cal., Civil Jury Instructions No. 1301.

22 24. Defendant knowingly caused and/or attempted to cause Plaintiff to come into contact
23 with his bodily fluids – namely sputum and snot – in a manner that offends a reasonable sense of
24 personal dignity.

25 25. Plaintiff never consented to this offensive or harmful contact by Defendant WARNER.

26 26. As described herein, Plaintiff was harmed by the Defendant’s offensive and harmful
27 contact.

28 27. Defendant WARNER is liable for assault upon Plaintiff.

1 of emotional and mental injuries, in an amount to be ascertained at the time of trial.

2 37. As a direct and proximate result of the acts of Defendant, as alleged above, Plaintiff
3 has suffered humiliation, mental and emotional distress, anxiety, and nervousness and has been
4 generally damaged in an amount to be ascertained at the time of trial.

5 38. The above-described acts of Defendant, were willful, intentional and malicious and
6 done with the intent to vex, injure and annoy Plaintiff and warrant the imposition of exemplary and
7 punitive damages in an amount sufficient to punish Defendant and to deter others from engaging in
8 similar conduct.

9
10 **THIRD CAUSE OF ACTION FOR**
11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 (As Against All Defendants)

13 39. Plaintiff repeats and repleads and incorporates by reference, paragraphs 1 through 38
14 inclusive, above, as though fully set forth herein.

15 40. The conduct set forth above is extreme and outrageous, exceeding the bounds of
16 decency normally tolerated in a civilized society.

17 41. Defendant acted with blatant disregard of Plaintiff and deliberately engaged in
18 outrageous and severe conduct intended to cause Plaintiff emotional distress.

19 42. Defendant's disgusting and outrageous conduct towards Plaintiff was witnessed by the
20 attendees at the concert through the large monitors. Plaintiff was also subjected to further humiliation
21 and embarrassment when videos of the incident were posted on YouTube.

22 43. Defendant WARNER was well aware of his outrageous and offensive conduct towards
23 Plaintiff, as he mocked and attacked her not just once, but twice during the same event.

24 44. Plaintiff not only suffered emotional distress from the offensive touching itself, but
25 also from the fear and anxiety that she could have potentially contracted a communicable disease as a
26 result of the exposure to Defendant's bodily fluids. She was forced to undergo medical testing
27 immediately following the incident and several months later to ensure that she had not contracted a
28 serious disease.


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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of the causes of action and claims asserted herein.

CLINGO LAW GROUP

Dated: August 18, 2021

By: 
Jennifer A. Clingo
Attorneys for Plaintiff
SUSAN FOUNTAIN