

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

**STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT**

ANDREA PELLEGRINI

Plaintiff,

Case No. 13- 136254 -CD
Honorable JUDGE WARREN

-vs-

PSYCHOPATHIC RECORDS, INC.,
a Michigan corporation, WILLIAM DALE,
ROBERT BRUCE, JOSEPH UTSLER
a/k/a “Shaggy 2 Dope”, JOSEPH BRUCE
a/k/a “Violent J”, and DAN DIAMOND a/k/a “Dirty Dan”

Defendants.

THE RASOR LAW FIRM, PLLC
Jonathan R. Marko (P72450)
James B. Rasor (P43476)
Attorney for Plaintiff
321 S. Williams Street
Royal Oak, MI 48067
(248) 543-9000

COMPLAINT AND DEMAND FOR A JURY TRIAL

NOW COMES Plaintiff, ANDREA PELLEGRINI, by and through her attorneys, THE RASOR LAW FIRM, PLLC, and for her Complaint against Defendants, states as follows:

INTRODUCTION

Plaintiff, an in-house publicist and attorney for the outlandish and controversial music group “The Insane Clown Posse” (known as “ICP”) was subjected to constant and pervasive harassment during her tenure, including having a large dildo given to her while at work, and being presented with “vagina tighteners.” Plaintiff was mocked, belittled, and the subject of sexual advances from top level persons at ICP’s label, Psychopathic Records. Plaintiff was even asked to do illegal and/or unethical things at her job, including Defendants asking her to obtain

automatic tommy-guns for a photo shoot. When Plaintiff refused to act unethically or illegally, and reported the sexual harassment she was experiencing at the hands of Defendants, she was terminated.

JURISDICTION AND VENUE

1. Plaintiff worked for Defendants as an in-house publicist and attorney.
2. Defendant, Psychopathic Records (“Psychopathic”) is a Michigan corporation, which, at all relevant times, employed Plaintiff in Oakland County, Michigan.
3. Psychopathic’s registered office is located in Farmington Hills, MI.
4. All transactions and occurrences took place in the County of Oakland, State of Michigan, in the County of Wayne, State of Michigan.
5. That the amount in controversy is in excess of this Court’s jurisdictional limit.

FACTS

6. William Dail is President of Psychopathic Records and was Plaintiff’s boss from the date of hire until her termination.
7. Robert Bruce is an employee of Psychopathic and had an assumed supervisory role over Plaintiff.
8. Joseph Utsler is a member of the Insane Clown Posse and acted in a supervisory role over Plaintiff and others at Psychopathic.
9. Joseph Bruce is a member of the Insane Clown Posse and acted in a supervisory role over Plaintiff and others at Psychopathic.
10. Dan Diamond was an employee of Defendant Psychopathic.

11. Plaintiff was hired in or around July, 2009, to work at Defendant Psychopathic.

12. Since Plaintiff began working at Psychopathic there has been a consistent culture of sexism and sexual harassment that has been ignored, cultivated, and/or perpetuated by Defendants and others in management.

13. For example, William Dail would refer to Plaintiff as a “bitch”.

14. William Dail would yell and demean Plaintiff on a regular basis and told her not to tell anyone that she worked for Psychopathic, and that she is never to give out any business cards even though he had approved and purchased business cards for Plaintiff.

15. Plaintiff would be yelled at in front of other members of Defendant Psychopathic, including being bullied, demeaned, and emotionally abused to the point that Plaintiff was in tears.

Plaintiff is Harassed for Years

16. On October 31, 2009, Plaintiff was supposed to work at the Fillmore for a label related concert but she was scared to go because William Dail called her a “bitch” the day before and was abusive towards her. Steve Ross called her and asked when she coming in, and she said she was scared and did not want to walk into the “lion’s den”, and he told her it would be fine. When she arrived at the Fillmore, Dail wanted to see her, and someone brought her to him where he was waiting with Ross and Robert Graham. He decided to take everyone outside to the side of the building, and proceed to yell at Plaintiff. Plaintiff was brought to tears.

17. In February 2010, Plaintiff was brought to tears while sitting in her office with Steve Ross, William Dail, and Robert Graham. The three were mocking her.

18. Many employees of Defendant Psychopathic made sexual advances toward Plaintiff, made inappropriate comments about clothes that Plaintiff was wearing or about her looks, and would attempt to flirt inappropriately with the Plaintiff.

19. In or around March 16, 2011, Plaintiff was working at one of Psychopathic's bi-weekly wrestling shows as a condition of her employment. Joseph Bruce's girlfriend, Michelle Rapp, was there. She treated Plaintiff with disdain. Rapp began glaring at Plaintiff in a hostile manner. Plaintiff, unsure of the reason for the hostility, reported the incident to William Dail. William Dail told Plaintiff that Michelle is "crazy" and that he was afraid that Michele would attempt to physically assault Plaintiff. Plaintiff was sent to a local restaurant where she was told to await further instructions. William Dail contacted Plaintiff and told her that it was not safe for her to be around Michele Rapp and that she should go home. A couple days after this incident, William Dail spoke to Plaintiff about the incident and, again, told Plaintiff that Rapp was "crazy" and "jealous" of Plaintiff. Dale compared Michelle Rap to Yoko Ono and how she broke up the Beatles.

20. After about a year after this incident, Michele began attending weekly meetings at Psychopathic with approval of William Dale. She began treating Plaintiff in a hostile manner, questioning her about her job, and treating Plaintiff in a generally hostile manner. Plaintiff was forced to work with Michelle. William Dail had previously told Plaintiff that he was scared Michele would "kick her ass". Plaintiff was forced to work day in and day out in a physically hostile and threatening environment that was sanctioned by management.

21. On or around July 6, 2012, Dan Diamond, Plaintiff, and other employees went to lunch. Diamond and Plaintiff were in a vehicle on the way to lunch. Dan Diamond began saying sexual and disgusting things to Plaintiff in the vehicle and acting aggressively towards her. Dan

Diamond proceeded to pull Plaintiff's hair. Plaintiff repeatedly demanded that he stop. Dan Diamond proceeded to tell Plaintiff that he "had a fat cock", and that "he'd like to fuck her". Plaintiff tried to avoid Dan Diamond's advances by telling him that she had a boyfriend.

22. Dan Diamond told Plaintiff that he kissed her at the Gathering of the Juggalos in 2010. This was a lie and Plaintiff denied it.

23. Plaintiff began to try to avoid Dan as much as possible, although she was forced to work with him on a daily basis.

24. On or around July 16, 2012, Diamond told Plaintiff that he had a gift for her and handed Plaintiff a velvet bag and told Plaintiff that he bought her a gift over the weekend. Plaintiff told Dan Diamond that she was not interested, as she sensed what may be in the bag, - upon which time Dan Diamond told her it was expensive. Dan Diamond mentioned that he had seen Plaintiff's Facebook status change from "in a relationship" to "single" and told Plaintiff that she now needs the gift because she's single. In front of two other employees, Leah Stalker and George Vlahakis, Dan Diamond pulled out what was in the velvet bag and revealed that it was a clear dildo. Plaintiff was extremely offended and stated that she did not want it and Plaintiff felt violated. Dan Diamond told Plaintiff to take it and it was expensive. Plaintiff walked out of the room and promptly blocked Dan Diamond from seeing her Facebook page. She had not even remembered that they were friends on Facebook.

25. Later that day Plaintiff learned that Dan Diamond had bought two other co-workers (Jaime Brady and Leah Stalker) sexual devices used to alter the size of female vaginal openings, referred to as "vagina tighteners."

26. On or around July 18, 2012, Plaintiff emailed President William Dail about the dildo incident and stated that she felt uncomfortable. Plaintiff followed up on that email by

physically going into William Dail's office (a process that Plaintiff had to initiate herself). William Dail told Plaintiff that Psychopathic would go over the legal issues in the morning with its attorney Howard Hertz and Plaintiff.

27. On or around July 19, 2012, Plaintiff was referred to as a "bitch" by co-worker Joseph Horak. Management was made aware of the incident.

28. On or around July 24, 2012 Plaintiff informed William Dail about the incident with Joseph Horak. William Dail responded that he would investigate in the situation and address the issues. There is no indication that William Dail ever remedied the situation and co-worker Joseph Horak began treating Plaintiff in a hostile and demeaning manner following the incident. On or around July 25, 2012 Plaintiff had a meeting with President William Dail in which she told him that she felt uncomfortable in the office. Plaintiff asked why Dan Diamond, who had sexually assaulted Plaintiff earlier in the month, was not being terminated. William Dail stated that Plaintiff's issues with Dan Diamond were her own and he refused to discuss what was done or going to be done with regards to Dan Diamond. William Dail minimized the situation and dismissed Plaintiff's concerns as being unimportant, told Plaintiff that she wasn't over the incident, and sent Plaintiff home for the day.

29. Later in the day on July 25, 2012 Plaintiff was called by Steve Ross and told to go the next morning and meet Psychopathic's attorney Howard Hertz and CPA Manny Glazer at a storage facility to oversee review of documents.

30. On or about July 25th, 2012, Howard Hertz sent a text message to Plaintiff, indicating that he wanted to speak with her. Plaintiff replied that he could call her in the office when she got back there.

31. On or around July 30, 2012 Plaintiff realized that Dan Diamond would be present at the work related, week-long event entitled The Gathering of the Juggalos. Plaintiff was scared and asked Kodi Sparkman for the lodging arrangements for the event. Plaintiff found out that she was scheduled to be on the same tour bus as Dan Diamond, the man who had sexually assaulted her and had acted inappropriately towards her. Plaintiff had to specially request alternative arrangements so that she would not be with Dan Diamond during the event. Plaintiff was so scared that she brought mace to the event in her purse. Plaintiff had also emailed William Dale to confirm her lodging arrangements.

The Gathering of the Juggalos 2012- A Living Hell

32. From August 6 to August 13, 2012, Plaintiff was at the event known as the Gathering of the Juggalos in Cave-In-Rock, IL. In the past, The Gathering of the Juggalos was a tremendously hostile and difficult event for Plaintiff, but Plaintiff had no choice but to attend.

33. On Monday, Plaintiff was given different lodging arrangements than were previously agreed upon. In fact, claimant was lodging on the same tour bus that Joseph Horak, the man who referred to Plaintiff as a “bitch” just two weeks earlier. Plaintiff was assigned an office in a trailer on the Gathering grounds, which was different than the year previous to that. The year before, her office was within the gated area, and there was a security guard at the gate entrance.

34. Plaintiff was concerned about the office area, including the fact that the lock on the door did not work well, lack of internet cables, telephone, chair, etc., and she told William Dail of her concerns. Dail told Plaintiff to get Joseph Horak to help her. Plaintiff asked Horak numerous times for his help, and he would not help her. Plaintiff went back to William Dail to

get help and told him about Horak, but he brushed her off and was “way to busy” and told her that her “job wasn’t that important”.

35. On Thursday morning Plaintiff went to use the private bathroom stalls that she had used the previous year (and had actually used on Wednesday, the day before), and when she approached the gate she was told by a security guard that she was not allowed to use the bathroom. He instructed her to use dangerous bathrooms in a back area that were unisex and did not lock and that were often full with naked male strangers. The unisex bathrooms had multiple showers that multiple people used in a common area at the same time.

36. Plaintiff asked the security guard who told her she was prohibited from using the safer bathrooms with single stalls that she had access to on previous trips and the previous day. The security guard told Plaintiff that Kodi Sparkman conveyed the order. Kodi was William Dail’s alleged girlfriend.

37. Kodi Sparkman told Plaintiff that she was not allowed to use the safe singular bathrooms. Kodi and Plaintiff got into a heated discussion about Plaintiff wanting to use the bathrooms. Kodi stated that William Dail, Defendant, did not want Plaintiff using the bathrooms. William Dail told Plaintiff that she was not allowed to use those bathrooms and attempted to force her to use unisex bathrooms in an area where there were strange men.

38. William Dail instructed Plaintiff to work hand-in-hand with an outside company that Defendant contracted for the first time. The outside company employed close friends of Kodi Sparkman as workers. On Thursday, as Plaintiff went into the main office area to obtain food tickets, Kodi Sparkman was present talking to members of the outside company and referred to Plaintiff as a “cunt” in front of Plaintiff. Plaintiff was brought to tears.

39. Soon thereafter, William Dail requested to speak with Plaintiff alone. He proceeded to tell Plaintiff that he must send her on a flight home since she “felt uncomfortable”. Dail later changed his mind, and told Plaintiff to stay.

The Roller Coaster of Abuse Continues After the 2012 Gathering

40. On or around September, 2012 Dan Diamond was showing a pornography video on his cell phone to persons at the office. George Vlahakis and Leah Stalker were present.

41. Dan had previously made inappropriate come-on attempts to Plaintiff in the past and told her that she was “the perfect woman” and commented on Plaintiff being attractive.

42. In or around August, 2010 Dan Diamond began again making sexual advances towards the Plaintiff, and began telling Plaintiff that he wanted to date her. Plaintiff felt very uncomfortable and told Dan Diamond that she had a boyfriend.

43. Plaintiff was subjected to a constant sexual harassment at the work-required Gathering of the Juggalos by not just Dan Diamond, but by several other agents of Psychopathic Records. For example, the artist “Shoestring” would attempt to hug Plaintiff inappropriately and referred to her as “honey”. He also told Plaintiff that he wanted to take her out and made advances toward Plaintiff. Plaintiff began to attempt to avoid him and felt uncomfortable. It got so bad that Plaintiff reported the situation to her supervisor. Soon thereafter, at a company meeting, Joe Bruce began to scold Plaintiff in front of the entire staff of Psychopathic.

The United States Government Becomes Involved

44. Issues with overtime pay at Psychopathic led to an audit by the United States Department of Labor. Plaintiff was told by Psychopathic that she was “a special person” and that she would not be one of the persons being interviewed by the Department of Labor.

45. Defendants required claimant to draft contracts and perform other legal work as Defendants told Plaintiff that their outside legal counsel, the law firm Hertz Schram, was too expensive. Plaintiff was scolded on multiple occasions for the Hertz Schram legal invoices being “too expensive,” and Defendant stated Plaintiff was to do more legal work to minimize fees. Plaintiff was happy to do legal work, though, as she was gaining experience in entertainment law.

46. Additionally, in 2011 and 2012, Defendant sent Plaintiff to a two week long convention to act in multiple capacities, including In-House Attorney, as William Dail required that Plaintiff attend continuing legal education courses.

47. Nonetheless, William Dail refused to call Plaintiff In-House Counsel.

48. Plaintiff once told Dail of her concern that she is not insured for malpractice, and Dail degradingly told her that she is “his secretary”.

49. During the US Department of Labor Audit, Plaintiff was labeled “In House Counsel” so that Plaintiff would be considered an exempt employee for the payment of overtime hours.

50. Moreover, Plaintiff she was labeled “In-House Counsel” to the US Dept of Labor so that Plaintiff could not discuss what she knew about the wrongdoings of Defendant business under the shroud of purported “attorney client privilege.”

51. One day while the US auditors were at the office, an employee named Thomas Lundberg was investigated. Douglas Dail, came up to the office that Plaintiff and Steve Ross shared. William Dail was also in the office with them. Douglas began to tell everyone that he believed that Tom told that investigator that he doesn’t get overtime and is overworked. Douglas was upset that Tom would “throw the label under the bus”. Once Douglas left the office, William

Dail stated more people would probably be interviewed and told Plaintiff that if the government auditors spoke to Plaintiff, “not tell them anything.”

Plaintiff is Commanded to do Unethical and Illegal Things

52. Plaintiff was requested to do unethical things, such as using attorney-client protected information for improper use. Plaintiff relied on representations by hired counsel Howard Hertz on these matters.

53. One example occurred in October/November 2012. When asked to use attorney-client protected information for media related purposes, Plaintiff told Defendant that it was unethical due to the attorney-client communication privilege. Defendant instructed Plaintiff to perform such acts, even though she stated it was unethical. Plaintiff even consulted with Howard Hertz and attorney Farris Haddad, and was advised by them that it was unethical.

54. Nevertheless, Plaintiff Defendants still instructed Plaintiff to use the information.

55. Another example occurred in the late spring and/or early summer of 2012. Defendant directed Plaintiff to sign off on a trademark for the artist Boondox without his approval. Plaintiff consulted with Hertz regarding this issue, and he reiterated to Plaintiff that, in addition to it not being legal to sign off on the trademark for the artist name “Boondox”, the name was also too close to other existing trademarked names. When Plaintiff refused to perform this act that she understood was unethical, Plaintiff was told “remember who pays you” by Dail.

56. Plaintiff was requested to do illegal things as part of her employment. For example she was asked to obtain illegal automatic weapons for a photo shoot.

57. Plaintiff’s refusal to do illegal and unethical things is one reason why she was terminated.

58. Months after the audit ended, at the beginning of November 2012, William Dail and Robert Bruce met with Plaintiff to discuss her position and told her that they wanted her to stop doing legal work to focus on public relations and project management. This was strange because they had just told the U.S. Department of Labor that Plaintiff was their in-house legal counsel. Defendant stated that it doesn't matter what they told the U.S. Department of Labor. Nevertheless, when Plaintiff asked about who would work with Hertz Schram, she was told to act as coordinator with hired legal counsel.

59. William Dail had stated that there were too many women in Psychopathic's office, and that they "bring drama".

60. Plaintiff witnessed William Dail refer to a previous female employee, "Janet", as a "stupid bitch".

61. Kodi Sparkman, Dail's alleged girlfriend, also made statements about there being too many women in the office on at least two occasions.

62. On or around November 29, 2012 Plaintiff was terminated by William Dail and Robert Bruce.

63. Pursuant to the unlawful actions perpetrated by Defendants, Plaintiff has suffered the following injuries and damages for which compensation is hereby demanded:

- a. Reasonable medical expenses;
- b. Emotional distress;
- c. Pain and suffering;
- d. Fright and shock;
- e. Horror, outrage and indignity;
- f. Economic damages including lost wages and/or loss of earning capacity;

- g. Exemplary damages;
- h. An award of punitive damages;
- i. An award of hedonic damages;
- j. Reasonable attorney fees and costs;
- k. Compensation for all allowable economic damages;
- l. Compensation for all allowable non-economic damages;
- m. Interest on all allowable damages;
- n. All other damages allowed under the law.

COUNT I

VIOLATION OF MICHIGAN ELLIOTT-LARSEN CIVIL RIGHTS ACT

Disparate Treatment

64. At all material times, Plaintiff was an employee, and Defendants were her employer, covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.

65. Plaintiff's sex was at least one factor that made a difference in Defendants' treatment of Plaintiff and the termination of her.

66. Defendants, through their agents, representatives, and employees, were predisposed to discriminate on the basis of sex and acted in accordance with that predisposition.

67. Defendants, through their agents, representatives, and employees, treated Plaintiff differently from similarly situated employees in the terms and conditions of employment, based on unlawful consideration of sex.

68. Defendants' actions were intentional, in disregard for Plaintiff's rights and sensibilities.

69. As a direct and proximate result of Defendants' unlawful actions Plaintiff has sustained and continues to sustain injuries and damages.

COUNT II

VIOLATION OF MICHIGAN ELLIOTT-LARSEN CIVIL RIGHTS ACT

Hostile Work Environment

70. At all material times, Plaintiff was an employee, and Defendants were her employer, covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101, et seq.

71. Plaintiff was subjected to unwelcome verbal or physical conduct due to her sex.

72. The unwelcome conduct complained of was based on Plaintiff's sex.

73. The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with Plaintiffs' work performance and/or creating an intimidating, hostile or offensive work environment.

74. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained and continues to sustain injuries and damages.

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Defendants, and each of them, in whatever amount she may be found to be entitled, together with

interest, costs, reasonable attorney fees, and such other relief as this Court deems just under the circumstances.

COUNT III

PUBLIC POLICY VIOLATIONS

Wrongful Termination / Hostile Work Environment

75. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 80 as though fully set forth herein.

76. Discharging an individual for refusing to engage in criminal activity of the employer is actionable under the public policy exception to at-will employment.

77. Defendants knew and/or should have known that asking Plaintiff to do certain things was illegal, unethical, and/or immoral, and violated several duties including, but not limited to:

- a. Requiring Plaintiff to obtain illegal automatic weapons;
- b. Instructing Plaintiff to not cooperative with a United States governmental investigator and/or actively conceal information from the United States government;
- c. Instructing Plaintiff to misuse to the attorney-client privilege;
- d. Instructing Plaintiff to violate various laws, including trademark laws;
- e. Disciplining and/or discharging Plaintiff for her refusal to engage in illegal activity;
- f. Explicitly and/or implicitly advocating, maintaining, encouraging, and/or turning a blind eye to an illegal company policies;
- g. Failing to properly hire, train, and/or retain its employees, including training on the law, policies, and/or procedures;
- h. Creating a hostile work environment for Plaintiff based on her refusal to follow illegal and unethical company policies.

- i. Other infractions to be discovered through the course of discovery.

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Defendants, and each of them, in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as this Court deems just under the circumstances.

COUNT IV

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

78. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 83 as though fully set forth herein.

79. The conduct described above was extreme and outrageous and exceeds the bounds of human decency.

80. The conduct was done with the intent to cause emotional distress and/or so reckless that a reasonable person would know that emotional distress would result.

81. The conduct did cause emotional distress.

82. Plaintiff suffered and continues to suffer damages.

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Defendants, and each of them, in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as this Court deems just under the circumstances.

COUNT V
RETALIATION

83. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 88 as though fully set forth herein.

84. Defendants retaliated against Plaintiff for complaining about Defendants' discriminatory and/or illegal business practices.

85. Defendants' actions were intentional, with reckless indifference to Plaintiff's rights and sensibilities.

86. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damage and will continue to suffer damage.

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Defendants, and each of them, in whatever amount she may be found to be entitled, together with interest, costs, reasonable attorney fees, and such other relief as this Court deems just under the circumstances.

JURY DEMAND IS HEREBY MADE.

Respectfully submitted,

/s/ Jonathan R. Marko,
Jonathan R. Marko (P72450)
Attorney for Plaintiff
THE RASOR LAW FIRM
321 South Williams Street
Royal Oak, Michigan 48067
(248) 543-9000
jrm@rasorlawfirm.com

Dated: August 23, 2013