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Rachael F. Gordon
Address withheld
as per Marsy's Law
California Constitution s.28(b)(2)(4)

Plaintiff, Rachael F. Gordon

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA FOR THE COUNTY OF SAN DIEGO

Rachael F. Gordon, an individual,

Plaintiff,

vs.

Gene Simmons, an individual; Paul Daniel
Frehley, an individual and DOES 1 through
110 inclusive

Defendants.

CASE NO: 37-2021-00002020-CU-CR-CTL

COMPLAINT FOR DAMAGES

- 1. SEXUAL BATTERY IN VIOLATION OF CAL. CIV. CODE § 1708.5
- 2. GENDER VIOLENCE IN VIOLATION OF CAL. CIV. CODE § 52.4
- 3. RALPHS CIVIL RIGHTS ACT (VIOLATION OF CAL. CIV. CODE § 51.7)
- 4. BATTERY
- 5. ASSAULT
- 6. INTERFERENCE WITH EXERCISE OF CIVIL RIGHTS (CAL. CIV. CODE § 52.1)
- 7. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 8. NEGLIGENCE (PREMISE LIABILITY)

JURY TRIAL DEMAND

1 Plaintiff hereby alleges as follows:

2 GENERAL ALLEGATIONS

3 Plaintiff, Rachael F. Gordon herein and currently resides in the County of San Diego
4 Rachael F. Gordon is invoking her Marsy's law rights not to identify her location due to ongoing
5 threats and to protect her privacy.

6 2. Plaintiff is informed and believes, and based thereon alleges that Defendant
7 **GENE SIMMONS** (hereinafter "SIMMONS") is an individual who at all relevant times
8 mentioned herein and currently, resides in the County of Los Angeles, State of California, and/or
9 has moved to Washington State and who caused injuries and damages to the Plaintiff in the
10 County of San Diego, in the State of California.

11 4. Plaintiff is informed and believes, and based thereon alleges that Defendant
12 **PAUL DANIEL FREHLEY aka "ACE FREHLEY"** (hereinafter "ACE") is an individual who
13 at all relevant times mentioned herein and currently, resides in the County of Sussex,
14 State of New Jersey and/or who caused injuries and damages to the Plaintiff in the
15 County of San Diego, State of California.

16 5. Plaintiff is informed and believes, and based thereon alleges, that Simmons is a
17 recording artist who is close friends with Ace and has frequently collaborated with Ace
18 over the years to write and record music as they were former band mates in the "KISS" rock band.

19 6. Plaintiff is informed and believes, and based thereon alleges that Defendant
20 **Simmons**, is an individual who at all relevant times mentioned herein and currently resides
21 in the County of Los Angeles, State of California, and/or in Washington State
22 who caused injuries and damages to the Plaintiff in the County of San Diego, State of
23 California.

24 7. Venue properly lies in this county in that both Defendants caused injury in San
25 Diego and their conduct described herein was committed in this county.

26 8. Plaintiff is informed and believes, and based thereon alleges, that each of the
27 Defendants sued herein as DOES 1 through 50, inclusive, are legally responsible in some manner
28 for the events and happenings referred to herein, and caused injury and damage proximately thereby

1 to the Plaintiff as hereinafter alleged. Plaintiff will seek leave of this court to amend this Complaint
2 if necessary to add claims, witnesses and exhibits as necessary. Whenever in this complaint
3 references is made to the "Defendants," such allegation shall be deemed to mean the acts of
4 Defendants acting individually, jointly, and/or severally.

5 9. Except as hereinafter specifically described, Defendants and each of them, are and
6 were co-conspirators, aiders, abettors, agents, and/employees of the other Defendants, and in
7 acting as described herein were acting within the conspiracy or the scope of their authority or
8 employment or former employment in the KISS Catalog and the KISS Rock band.

9 10. This case arises out of injuries suffered by the Plaintiff after she was assaulted by
10 Simmons on two occasions in January 2018 and was trapped by Ace in an abusive relationship
11 she relied on Ace to protect her, to provide for her and to ensure that this conduct and assault
12 would never take place to her as the Plaintiff was his partner and wife for 9 year prior.

13 11. This case arises out of a long and desperate attempt by Ace to rejoin the KISS
14 band over a period of 15 years from 2004-2019 that failed to restore his status in KISS as the lead
15 guitarist due to his prior employment wherein he was deemed as unreliable or professional. This
16 led to the Plaintiff being ensnared in a conspiracy plot by the Defendants to murder her.

17 12. Plaintiff believes and based thereon alleges that Defendants have been successful
18 in using Simmons and Ace's celebrity status from the past back to the 1970s when they roomed
19 together while on the road touring for the Band KISS to lure woman with drugs and/or alcohol
20 to reduce their inhibitions, all for the purpose of sexual conquests, either voluntary or regardless
21 of the will of the women. The Plaintiff asserts that both Simmons and Ace spoke of these illicit
22 and illegal conquests for years and will be referring to copious interviews on radio and
23 YouTube and introducing those interviews into evidence including the film Detroit Rock City.

24 13. Plaintiff believes and asserts that there was a common technique used by both
25 Simmons and Ace to point out women during their concerts to their personal bodyguards and
26 roadies and to offer them backstage access. The Plaintiff has heard both Simmons and Ace
27 confirm the existence of a "chicken coop" of willing "broads" and Ace specifically referred to
28 this room in a NYC interview in November 2018. <https://www.youtube.com/watch?v=TRu3kXpMvvQ>

14. The plaintiff asserts that this when Simmons' sexual appetite and perversions were not satisfied then sexual batteries would occur of unsuspecting women in casinos, reporters and women such as the Plaintiff at at events such as the Gene Simmons Vault experience where she appeared with her husband of 12 years Ace as an employee.

Background of Abuse and Assaults by Defendants

15. The Plaintiff met Defendant Ace Frehley in 2008 by being brought to Los Angeles by a woman she did not know with a friend. The plaintiff had a good life prior to this meeting as a singer with two folk albums produced and she was also a small business antique owner and designer in San Diego. The plaintiff asserts that her life became a living nightmare after 2009 when she was trapped in monthly abuse living with the Defendant Ace in a downtown condo and then at two subsequent exclusive mansions in Rancho Sante Fe.

16. The plaintiff asserts that Ace referred to her almost immediately in public after meeting her as his fiancee. The plaintiff asserts that this was an elaborate ruse that resulted in her being assaulted and then sexually assaulted by Ace's best friend Simmons from his former band KISS on January 13th, 2018. The plaintiff asserts that because of the sexual battery a conspiracy to eliminate thereafter so as to never speak about their criminal acts and abuse of women. Defendants took numerous actions to financially ruin her, ensure she did not earn any income and that she would be denied healthcare, be destitute/homeless.

17. The Plaintiff asserts that over a 12 year relationship that she was in in a business partnership with Ace Paul Daniel Frehley from 2008 to 2020. The Plaintiff asserts she performed 9 to 12 different roles and jobs that included clothier, tour assistant, pr promoter, ghost writer, song writer and composer, singer, cook and cleaner, all without proper pay or benefits. The Plaintiff asserts that Ace told her very early on after he took control of her phones, assets, and money/bank accounts as well as her passport that she did not need to work and that "your job is me" The Plaintiff was never compensated with royalties, wages or a 401k plan. The Plaintiff was

1 denied healthcare and dental care and statutory holidays. The Plaintiff worked 16-18 hour days
2 with duties being told to her with 5-10 minutes notice by Ace. The Plaintiff asserts that Ace as
3 an employer would only pay cash for doctor and severely restricted doctor appointment arguing
4 with her that healthcare was not necessary or that he did not like the receptionist or staff and he
5 would not go to the healthcare facilities. The Plaintiff asserts that Ace would enter examining
6 rooms and treatment rooms to listen to the Doctors or dentists but was told to leave as this
7 violated privacy and treatment protocols. The Plaintiff asserts that Ace refused her treatment
8 after she fell down stairs in Mexico and having a cracked tooth on tour and was in pain. The
9 Plaintiff asserts that Ace even ignored calls from Cedars Sinai Hospital in Los Angeles after
10 claiming he was her fiancee and she was in the hospital for over 2 days with no help or concern.
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13 18. The Plaintiff asserts that after 11 years of "employment" as Ace's personal
14 assistant where her "job duties" included cleaning up after he soiled the bed, getting him ready
15 for 4 a.m. flights, always looking pretty to make him look good, helping him with all his
16 clothing choices as a fashion consultant, personal grooming including his hair pieces and wigs,
17 bathing him, that Ace as her employer left the Plaintiff with no assets, massive debts, unpaid
18 traffic tickets that he claimed he paid but did not and led to her suspension, a passport that
19 expired and was not renewed as promised, and no meaningful assets. The Plaintiff asserts that
20 during their separation, the Plaintiff sign over two cars valued at \$130,000 to his daughter
21 Monique in exchange for \$20,000 to live on for the rest of her life with no as promised 401k
22 savings plan.
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25 19. The Plaintiff asserts that during their 11 years of 'marriage' that Ace never
26 divorced his first wife Jeanette Frehley (nee Teratola). The Plaintiff asserts that Ace as her
27 partner indicated that the Plaintiff would receive wages for her work, royalties for the two songs
28 she wrote (Chances / Immortal Pleasures) for Ace's Space Invader CD and singing on another.

1 20. The Plaintiff asserts that Ace promised but never fulfilled a commitment to
2 pay her any remuneration or wages for her work studio work, press events and appearances,
3 tour coordination, with duties such as cooking, food preparation, cleaning and wardrobe
4 assistant duties that included choosing, shopping and dressing Ace and band members
5 wardrobes and packing luggages for extensive tours on a constant 24 hour schedule.
6

7 21. The Plaintiff asserts that she encouraged Ace to write a book, think up the
8 Title of the Book ("No Regrets), all Chapter titles, font styles used and pictures selected.
9 The Plaintiff asserts that she helped Ace "ghost write" the book given the vocabulary used
10 by Ace was not was acceptable and would not sell. The Plaintiff asserts that she travelled to
11 NYC to Simon and Shuster and negotiated with the publisher as Ace' initial literary agent.
12 The Plaintiff asserts that she has to date never received any promised compensation,
13 royalties, income or credit for her work on the "No Regrets" book from Ace.
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16 22. Plaintiff asserts that during her entire relationship with Ace from 2009 to
17 2019, Ace insisted to her and in numerous public interviews that KISS would not tour
18 without contacting him to rejoin to make double the profits given tour promoters would
19 see the value of this addition. The Plaintiff asserts that the public record is that the
20 opposite is true and Ace never rejoined KISS at all given the band and in particular their
21 Band Manager Scott (Doc) McGhee viewed Ace as unreliable, unprofessional and
22 influenced by his prior behavior in the band. The Plaintiff however in numerous
23 appearances and public statement always sided with her husband and pointed out the
24 inconsistencies in terms of their statements about her husbands sobriety and ability to
25 play versus their behavior particularly with respect to how they treated women.
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28 23. The Plaintiff asserts and claims as fact that even with this 24/7 support of

1 his wife, Ace behind the scenes and unknown to the fan base that became known as "Team
2 Ace" which was made up of Ace Frehley fans online and who came to his over 1,400 shows
3 in hundreds of local venues in all 50 states, Canada, and in Europe, Ace never changed and
4 he resorted to his prior ways of dealing with women. After constant touring of over 200 dates
5 per year, Ace refused to allow Rachael his fiancée/wife of 12 years any and all input and
6 control at all. The Plaintiff asserts that Ace became an extreme narcissistic abuser.
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8 24. The Plaintiff asserts that Ace was found forging Rachael's signature wherein
9 she found numerous documents and papers where Ace was practicing her signature. The
10 Plaintiff asserts that after a 3 year dispute and argument about ensuring that if something
11 happened to Ace on the road, that a proper savings account be set up to ensure that Ace's
12 financial interests and Rachael's would be protected. The Plaintiff asserts that Ace had
13 previously set up Jendell Productions Inc when he produced Albums or did something legally.
14 The Plaintiff asserts that was when Ace was single. The Plaintiff asserts that given that Ace
15 was referred to as "SpaceAce" she suggested that a company be set up that would protect their
16 joint assets in that name. The Plaintiff asserts that after they repeatedly watched the 1951
17 classic "Born Yesterday" movie together, Ace came to her one day and claimed that she was
18 now the "boss" that had to sign all cheques for band's wages, sign all tour contracts, and "run:"
19 the company. The Plaintiff asserts however that after SpaceAce Music Inc was registered with
20 the Secretary of State in Sacramento on July 1st, 2016, that Ace's true plot came to light where
21 the Plaintiff was being set up for financial fraud that and a full conspiracy plot to murder her
22 if any of the truths of his financial dealing were disclosed at all.
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27 25. The Plaintiff asserts and the record will be offered in court that Ace was in the
28 past faulted for not paying mortgages (mortgage fraud), property taxes, and income taxes to

1 the IRS. The Plaintiff asserts that after Ace watched the 1951 "Born Yesterday" movie with
2 Ace numerous times she realized that Ace was trying to duplicate the techniques used by
3 Harry Brock the main abusive protagonist and treating the Plaintiff as his "Billie." Ace
4 constantly referred to the Plaintiff as his "Poodle" but demanded that as the boss that she had
5 to sign documents she did not understand and he would yell at her to sign cheques for his
6 band's and crews remuneration or they would not be paid and there would be retribution to
7 her for not doing so. The Plaintiff asserts that this was an elaborate plot and plan to protect
8 Ace from declaring income and protect him from further fraud and embezzlement charges.
9 The Plaintiff asserts and will offer evidence to the court that this demands and corresponding
10 demands upon her began after she was awoken one morning at 6 a.m. in bed by Ace blaring
11 the TV with his home that he owed taxes and money on, which was on fire in Yorktown
12 Heights N.Y. The Plaintiff asserts that for hours she listened to Ace laughing and yelling
13 at the T.V. and noted that Ace disclosed that he had one person on the property who was his
14 'friend' Buddy Gosenza. The Plaintiff asserts that Buddy subsequently travelled all the way
15 to San Diego to stay at their mansion numerous times and was viewed by Ace as a family
16 member but there was no blood relationship with Ace. The Plaintiff asserts that after one
17 concert in NY, she went back to Ace's comp'd dressing room, current inlaws of his wife
18 Jeanette Teratola-Frehley who he never divorced were waiting for Ace and questioned her
19 at length never referring to her by her name but only by "sweetheart." The Plaintiff asserts
20 that there was no women only four Teratola men who looked like Mafia bosses and spoke as
21 such with thick Italian accents. The Plaintiff asserts that Ace spoke constantly of how he
22 did not want to marry his wife Jeannette Teratola and could not divorce her after he "knocked
23 her up" with no protection. The Plaintiff asserts that thereafter she received numerous phone
24 calls from NY from Jeanette Teratola wherein Jeanette stated that the Plaintiff would be
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1 "whacked" and/or her throat would be slashed if she spoke of or spoke out about anything Ace
2 disclosed or diminished in any way "Ace's ability to earn money."

3 26. The Plaintiff asserts that Ace's only child from his wife Jeanette Teratola,
4 Monique Frehley had constant substance abuse issues and although reluctant to become involved
5 with her as an adult that she started to phone constantly from hospitals to her father for payment
6 and for support for her drug habits and he admitted participating in drug deals she entered into
7 for her safety. The Plaintiff asserts that Monique Frehley came to their Condo in Downtown
8 San Diego and was violent and was thrown in a coat hanger closet by her father. The Plaintiff
9 asserts and claims that Monique Frehley conveyed numerous physical threats of violence
10 directed at the Plaintiff from her mother Jeanette and herself and she stated numerous times
11 she hated the Plaintiff. The Plaintiff asserts that Ace disclosed that it was he who got his
12 daughter Monique addicted to heroin and he often shared a bed with his daughter. The
13 Plaintiff claims that she tried to get them both to professional counselling and they refused.

14 27. The Plaintiff asserts that Ace as an employer contravened numerous California
15 fair wages and employment standards as to times and overtime work and he violated basic
16 safety standards. The plaintiff asserts and claims that as part of her employment working for
17 Ace that he assaulted by grabbing her arms and twisting them, shouting at her, telling her not to
18 speak in public, not to speak out of turn and not to speak except when spoken to. The Plaintiff
19 claims that on almost a daily basis Ace would yell at the Plaintiff and wake her to get his
20 coffee in the mornings waking her yelling at her that her arms were not broken and that she was
21 late getting his coffee. The Plaintiff asserts that Ace assaulted her by kicking her off a bed so
22 hard with cowboy boots that she tumbled into a dresser and she hit her head on a dresser. The
23 Plaintiff asserts that one morning she was awoken by Ace throwing a deer hunting knife at her.

1 Ace told the Plaintiff that he could "do a lot of damage to her insides if she spoke out." The
2 Plaintiff asserts that not long after she noticed that Ace was hiding a bristol board that he had
3 hidden in a spare bedroom closet. The Plaintiff confronted her husband over the pictures of
4 women on the board and he disclosed they were women who had interfered "with his business
5 and were taken care of and never seen before." The Plaintiff asserts that Ace told her that one
6 of the women was a Dallas blonde who had her brain blown out in a room and only Ace was in
7 the room in Los Angeles. The Plaintiff asserts that after confirming this incident online, Ace
8 never clarified what occurred in the room when she died. The Plaintiff asserts that she was
9 being trapped in a vicious cycle of abusue with no funds, no financial control, bodily threats and
10 touring with no way out. The Plaintiff asserts that she had no access to funds and when she went
11 to stores to purchase items she only had a screen grab of a debit card and would have to plead
12 with store managers to approve a purchase or diclose it to Ace and would face retribution upon
13 returning home. The Plaintiff asserts she had no wages, independence and not being able to
14 speak. If she did the Plaintiff asserts she would be killed.

18 28. The Plaintiff asserts during the later years of their relationship Ace began to rely
19 more on bodyguards he hired as part of his staff. The Plaintiff asserts that one bodyguard in
20 particular was used by Ace and brought from Los Angeles as of 2016 and began to convey
21 bodily threats of assault to her and her friends and relatives. The Plaintiff asserts that a concert
22 on Tour in Erie PA, Ace was introduced to the Plaintiff's father. The Plaintiff's father lived
23 quietly after a second marriage ended and retired in a small house on Lake Erie near Dunkirk,
24 NY. The Plaintiff asserts that after Ace met her father he sent one of his bodyguards "Big
25 Chris" to Buffalo NY to move her father all the way across country into the lone guest house on
26 their property in Racho Sante Fe (4277 Via Ravello in the Bridges complex). The Plaintiff
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1 asserts that shortly thereafter Ace revealed to the Plaintiff that after a medical checkup
2 Rachael's own father had a diagnosis of cancer. The Plaintiff asserts that she was then forced
3 into a double care mode of taking care of her father who was not much older than Ace who was
4 15 years older than her. The Plaintiff asserts that Ace's control become even more violent and
5 controlling particularly on Tour. The Plaintiff asserts that on one upcoming Tour, she told Ace
6 she would not be coming at all as she was exhausted and had already been in hospital after
7 another bout of exhaustion in Los Angeles and he did not even contact her once. The Plaintiff
8 asserts that Ace went relied on begging for hours and tantrums. The Plaintiff asserts that she
9 had to negotiate that she would go on Tour but only stay in the hotel sick. Ace did nothing to
10 help her or check on her and even criticized her. The Plaintiff asserts he even denied her any
11 healthcare and dental care for 5 days and demanded she wait to the return to San Diego, CA.
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15 29. The Plaintiff asserts that both on the road but particularly at their home this new
16 bodyguard started to appear more and more frequently with weapons and side guns in holsters.
17 The Plaintiff asserts this bodyguard Toni Frankievile started to infiltrate her life and refer to
18 herself as the Plaintiff's relative. The Plaintiff asserts this body guard although female never
19 dressed as one and always wore mens clothes and referred to herself as a dyke. The Plaintiff
20 asserts that this bodyguard openly carried guns in their house and started to threaten the Plaintiff
21 on a weekly basis and disclosed a long criminal record from Los Angeles and claimed to be a
22 drug dealer. Toni's role was to watch her 24/7 and report any outside contact to Ace.
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26 30. In late December 2017, after a "dethawing" with both owners of the KISS band,
27 Paul Stanley and Ace did a duet together for one of Ace's albums. The Plaintiff asserts that it
28 was her who actually suggested the song Fire and Water by Paul Rogers for Ace's Origins Vol.1

1 The Plaintiff asserts that Ace did not know Paul Rodgers music at all and it was played
2 for by the Plaintiff herself. The Plaintiff also asserts that she suggested to Ace that he
3 cover the Beatles track "I'm down" on a future Album. The Plaintiff asserts that Ace did
4 this on the Origins Vol 1 with no credit or royalties provided to her by Ace for composing,
5 singing or helping with any production of his albums. **[FIRST FELONY ASSAULT]**

6 31. The Plaintiff asserts that Ace always had communication with Simmons for
7 the entire time she was with him. In late December 2017, Ace informed the Plaintiff that
8 she was coming with him to a PR event in January 2018 at the Capitol Records building in
9 Los Angeles for the Gene Simmons "Vault Experience." The Plaintiff asserts that she was
10 given no choice by Ace to attend. The Plaintiff asserts that after driving their grey minivan
11 2 hours to Los Angeles with their bodyguard on Saturday, January 6th, 2018, as celebrities
12 they were led directly into a control room off the stage by Simmons' staff. While being
13 moved to another small ante room, the Plaintiff found herself walking behind her husband
14 Ace and Simmons following behind her. All of a sudden the Plaintiff felt her hair being
15 pulled forcefully and realized it was Simmons. Simmons then whispered in the Plaintiff's
16 ear - "Hey, who are we trying to kid, lets cut out all this bullshit and lets get out of here."
17 The Plaintiff replied to Simmons- "where are we going?" while he had her hair in his palm
18 and she was bent sideways by the force of his grip. Simmons responded - "probably
19 straight to hell but I'll have a lot o friends there." The Plaintiff asserts that Simmons
20 released his grip momentarily but so forcefully that the Plaintiff fell off her high heel shoes
21 and fell to the side. Several onlookers saw this incident and the Plaintiff was stunned by
22 Simmons' actions and had met him prior and was never assaulted.

25 32. The Plaintiff asserts that within 5 minutes of the assault she suffered,
26 Simmons introduced her as "Ace's better half" while she was sitting in the front row of the
27 first GeneSimmonsvault.com experience that he was selling to KISS fans for \$2,000 to
28 \$50,000 per person with autographs and private meetings back in the control room after a

1 acoustic performance attended by Bruce Kullick a former guitarist in Kiss and Eric Singer the
2 current drummer for the band. The Plaintiff asserts that she disclosed the assault to her
3 husband of 10 years and she asserts that he told her to "shut your Jew mouth" and stated to her
4 that "there was a lot of money involved in the upcoming final Kiss End of the Road Tour that
5 he expected to be expected to participate in."
6

7 33. On Friday January 12th, 2018 the Plaintiff asserts Ace notified her that they
8 would be having Gene as a guest as their 14,000 sq Rancho Sante Fe Mansion at 4277 Via
9 Ravello and he may stay overnight. The Plaintiff asserts that she was shocked by this
10 invitation given the prior assault at Capitol Records the prior Saturday January 6th, 2018. The
11 Plaintiff asserts that Ace requested she make cookies as Simmons had a "sweet tooth" and he
12 asked her to ensure the fridge was stocked with drinks for their meeting as they were going to
13 compose songs for his upcoming album.
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15 34. The plaintiff asserts that on Saturday January 13th, 2018 the best friend of Ace
16 arrived. Ace screamed at the Plaintiff to greet him in a far foyer through a garden entrance.
17 The Plaintiff asserts that as soon as Simmons arrived he looked pale as a ghost but was led
18 into their home as he had never been to it prior. The Plaintiff asserts that Ace demanded that
19 the Plaintiff as his "poodle" give Simmons a bit of a tour. The Plaintiff asserts that Simmons
20 took an immediate interest in the Plaintiff Rachael Gordon's art, furniture, paintings and
21 decorations and books she had collected and was displayed in her home. The Plaintiff asserts
22 that Simmons picked up pictures of her mother who was deceased and claimed that he never
23 forgot a face and that he could have slept with her. The Plaintiff asserts that she pointed out
24 that her mother was in Pensacola and was never into rock music, never attended any KISS or
25 rock concerts and that was not possible. The Plaintiff asserts that given Simmons really did
26 not know her or her mother at all that he could not appreciate that she was a cultured
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1 woman with interests in the arts, was a business owner, and was a fashion designer and singer.
2 The plaintiff asserts that Simmons then took a particular interest in two blue couches that
3 matched the \$50,000 blue drapes that the Plaintiff had in their library room.

4 35. The Plaintiff asserts that after serving Simmons and Ace coffee and the
5 cookies she attempted to leave but Simmons kept insisting she stay and contribute the song
6 writing process as she was a singer and familiar with the process. The plaintiff asserts that
7 Ace kept yelling that "poodle" was going to go outside and sun herself and not bother them.
8

9 36. The Plaintiff asserts that after approximately 4 hours of Ace and Simmons
10 composing and playing two songs for the album, they took a lunch break and she found them
11 making sandwiches in the kitchen. The plaintiff asserts that after offering them more coffee
12 and drinks Ace insisted they were fine and the plaintiff noted that it was a hot day and did
13 want to stay inside but acceded to her husbands request and went outside after having taken a
14 dip in the pool. The plaintiff asserts she was dressed in a covering sun dress and bikini
15 underneath went outside to lie in the sun in a foyer next to the master bedroom. The Plaintiff
16 thus was far away enough away from the office area and adjoining living room not to disturb
17 either Simmons or Ace. The plaintiff asserts she noticed after 20 minutes she could not hear
18 her husband Ace as he normally raises his voice substantially as he has a severe hearing
19 impediment after years of loud amplifiers and speakers. The Plaintiff asserts that she sat up
20 and noticed that Ace had moved to the side of the house and was using a hose on plants and
21 was watering a green avocado tree.
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25 **Sexual Battery Assault**

26 37. The plaintiff asserts that Simmons appeared and the plaintiff had sun in her
27 eyes and she could make out that it was Simmons in the rear bedroom foyer as she lied on an
28 extended lounge chair. Simmons asked the plaintiff Rachael Gordon if she used sunscreen,

to

1 which she replied "no." Simmons then distracted the plaintiff by stating "now there is something
2 I have never seen" and pointing in Ace's direction. The Plaintiff squinted in the sun and asked
3 -"what's that?" Simmons replied - "Ace watering something." Ace at that exact moment yelled
4 out to Simmons - "Hey Gene, look at this Avocado Tree." The plaintiff asserts Simmons then
5 forcefully reached with his left arm around the plaintiff Rachael Gordon and held her left arm
6 still and then quickly shoved his right arm in between her legs and into her bikini bottom and
7 penetrated her. The plaintiff asserts that Simmons whispered in her ear - '*C'mon, you know*
8 *who i am.*' The plaintiff broke Simmon's grip, broke free and stumbled and then hurriedly ran
9 into her private bedroom, slamming the door and hid in the washroom. The Plaintiff asserts that
10 she was overwhelmed with fear and discovered **she was bleeding internally.**

11
12 38. The plaintiff asserts that after 30 minutes she noted that Simmons had
13 disappeared. The Plaintiff immediately made her husband of 11 years aware of the sexual
14 battery assault she suffered from Simmons. Ace shouted at her in a very thick Brooklyn accent
15 "You better keep your fucking *Jew* mouth closed about this!" "If you fuck up this reunion it will
16 *be the last thing you do.*"

17
18 39. The plaintiff asserts that she stayed in the bathroom and repeatedly threw up and
19 was sick. The plaintiff asserts that she expected her husband of 11 years to comfort her. The
20 plaintiff asserts that the response she got from Ace completely shocked her. The plaintiff
21 asserts that Ace claimed she had been assaulted prior to their relationship and "*she should*
22 *toughen up and get use to rapes.*" The plaintiff asserts that Ace stated later that day that - "you
23 got to understand not to interfere in my business at all, and Gen can go to prison for touching
24 one more woman."

25
26
27 40. The plaintiff asserts that the Defendant Simmons has already been sued by two women
28 in 2018, both related to an early morning appearance on local TV. The plaintiff asserts

1 a local San Bernardino reporter who covered the opening of the Simmons and Paul Stanley
2 owned Rock n Brews restaurant in the San Manuel Casino and a dishwasher both were sexually
3 assaulted by the Defendant Simmons and that is a know pattern of Defendant Simmons.

4 <https://www.nme.com/news/music/gene-simmons-sued-sexual-assault-2175532>. The plaintiff asserts that in
5 November 2018 Defendant Simmons was banned for life from Fox News for assaulting two
6 female staff members and told pedophilia jokes interrupting a staff meeting.

7
8 41. Thereafter the plaintiff asserts she spoke to a Los Angeles Attorney and this was
9 conveyed to Simmons' entertainment lawyer Barry Mallen. The plaintiff asserts that after these
10 two assaults particularly the second Avacado Tree Assault at her home in Rancho Sante Fe, that
11 her husband insisted that she cover up these assaults as a huge future KISS tour was at stake.
12 The plaintiff asserts that she noticed noticed that Aced started to take Trazadone with Vicodin
13 and Norco and combine them with amphetamines and started to violently act out with
14 delusional suicidal statements. The plaintiff asserts that Ace would run after her violently and
15 he would scream at her and threatened her daily. The plaintiff asserts that she contacted doctors
16 treatment professionals to get him off the medications he obtained.

17
18 42. The Plaintiff asserts she asked Ace to be paid separately and Ace continued to
19 extort her that she must sign the cheques or the band and tour employees would not be paid. The
20 plaintiff asserts that the physical threats from Ace intensified and the deer knife incident took
21 place wherein Ace stated after waking her up that the knife "can do a lot of damage to
22 to the insides of a woman."

23
24 43. The Plaintiff asserts that Ace disclosed he had a history of making threats
25 against women in both his dating life and work and business. The plaintiff asserts that this
26 is summarized on a Gordon Gerbert video from 1993 wherein Ace states on a video that in a
27 managerial meeting that a woman who was interfering with his "business" would "have her
28 teeth

1 knocked out“ and that he would have her silenced by her father in law within a week. The
2 plaintiff. See - <https://www.youtube.com/watch?v=Y3fCBDebJKo> At 1:30 Ace states “Let her
3 meet us so we can knock her teeth out.“ and it continues at 1:50, Ace states -“You get me her
4 fucking phone number and address and I will get my father-in law that and she will be silenced
5 in two weeks.“ The plaintiff asserts that Ace disclosed to her 5 women he came across that
6 interfered with his business “disappeared“ or “were silenced.“ The plaintiff asserts that Ace also
7 disclosed a woman from Texas he claims committed suicide by gun with only him in the room.
8

9 44. The plaintiff asserts that Ace then disappeared for the next 60 days in early
10 February, 2018. The plaintiff asserts that his online schedule confirms this at ([http://](http://acefrehley.com/tour_dates/)
11 acefrehley.com/tour_dates/). The plaintiff asserts that she was then contacted from NJ by Ace's
12 long time friend Buddy Gonsenza, the same Buddy Gonsenza from 2013 who was the sole
13 occupant in the NY Ace house that burned down. The plaintiff asserts that Buddy insisted that
14 she “take a break“ and go to Catalina Island for a week and that a hotel room was waiting for
15 her. The plaintiff asserts and contends that she saw right through the plot to harm her and
16 declined. The plaintiff asserts that she had NO CONTROL OVER ANY FINANCES OR WAY
17 TO PAY BILLS in her husband's Ace disappearance and she tried to contact him and he refuse
18 to return any calls or emails.
19

20
21 45. The plaintiff asserts that she next received a call out of the blue from a very well
22 entrenched member of the KISS organization - author Ken Sharp who inisisted that she drive up
23 to Los Angeles that night and he would have a producer waiting the next day to start producing
24 her new album. The plaintiff immediately pointed out to Ken that Ace had abandoned her and
25 she had no control whatsoever over any money and had no access to credit cards etc to book a
26 hotel. Ken stated that the plaintiff was told to call Defendant Ace’s manager John Ostroski to
27 make the arrangements. But when the plaintiff did she asserts that she arrived in Los Angeles
28

1 make arrangements. But when the plaintiff did call John Ostroski and she arrived in L.A.
2 there was no hotel near where she was told by Ken the recording studio was in Reseda (NW o
3 Sherman Oaks) rather they had booked a hotel for her 40 minutes away. The plaintiff asserts
4 that she felt very unsafe and called a trusted girlfriend of hers to join her urgently. The
5 plaintiff asserts that she believes she avoided a second attempt by Defendant Ace to 'whack'
6 her in a month by having another person in the hotel with her and several suspicious people
7 were around the hotel and watching her and her girlfriend. The plaintiff asserts that she
8 recorded the Album Paper Doll with the producer but as soon as Ace heard of this, he took
9 control and ensured that it was never produced and she never saw any income from it.

12 46. After 60 days with no word or contact from Ace, the plaintiff asserts she had no
13 way to pay upkeep bills or even the lease amount on a 14,000 sq foot mansion as she had no
14 access to any accounts. Defendant Frehely kept control of all accounts and cards and
15 defrauded the Plaintiff with cards in her name. ACE only allowed the plaintiff to access Ipads
16 with daily control passwords to make purchases. The plaintiff asserts that she was told she
17 was not allowed to speak to anyone. But given she had been in contact with a lawyer in L.A.
18 she contacted Defendant Simmons at the 60th day of the disappearance of Ace given he was
19 not touring and Simmons was the last "employer" of both of them doing vault experiences and
20 she knew "Ace" her employer was paid hefty appearance fees for these day events across
21 America. The plaintiff asserts Defendant Simmons did not answer her call but did answer a
22 text wherein she detailed the debts and liabilities piling up and that if he did not act she would
23 expose to the press **the assaults he committed against her and how irresponsible Ace was.**
24 The plaintiff asserts that Defendant Simmons immediately responded to the plaintiff in a return
25 text that *"this was a family matter, he would solve this, and she is not to speak to anyone."*
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1 The plaintiff asserts that Ace showed up the next morning at 8 a.m. with crumpled up chocolates
2 in a white box shaped as a heart and flowers and begged for forgiveness. His wig was
3 deschelved, he had urine stains all over his pants. The plaintiff nursed him back to health again.

4 47. The plaintiff asserts that on April 13th, 2018 Ace was told to attend at Paul
5 Stanley's house in Los Angeles. The plaintiff asserts that Ace disclosed this meeting and that he
6 drove there by himself thinking this was the long awaited request to rejoin KISS on the
7 upcoming End of the Road Tour (EOTR). The plaintiff asserts that Ace told her he expected to
8 see Scott (Doc) McGhee there but instead it was only Paul and his family there. The plaintiff
9 asserts that Defendant Simmons showed up and stated according to Ace - "we know she has a
10 lawyer involved. Get rid of her and get rid of her now." Paul Stanley and Defendant Simmons
11 were directing Defendant Ace Frehley even when he was out of the band. Defendant Simmons
12 conspired by using the promise of any future role in the upcoming EOTR tour (that Stanley
13 himself thought of as a name and registered it online) or any future GeneSimmonsVault.com
14 experiences or the KISS Kruse that year as financial bait over Ace. The Plaintiff believes that
15 was not only a conspiracy but extortion upon Ace. The Plaintiff asserts that after him waiting
16 for over a decade to get the word to rejoin the band in an a final reunion, he had to sacrifice his
17 wife of 12 years, the plaintiff who did nothing wrong, that he had to get rid of her The plaintiff
18 asserts that Ace disclosed he was shocked at this extortion. The plaintiff asserts that he drove
19 home to San Diego and immediately disclosed this conspiracy to his wife. The
20 plaintiff asserts that Ace when disclosing this sobbed and stated emotionally - "they leaned ova
21 and whispered in the house. That means they are serious. They want me to hurt my poodle, I
22 dont want to hurt my poodle." (his daily nickname for his wife the Plaintiff of 12 years who
23 stayed with him and who kept him sober, supported his career with no benefits, wages,
24 healthcare, helped him write books, cleaned for him, cooked for him, was abused by him but
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1 still helped him with 12-16 tasks and supported him and believed in him selflessly. The plaintiff
2 asserts that she tried himself to sleep but she was in more shook than he was at this disclosure
3 and it shared it with a close friend for her safety the plaintiff asserts she was still trapped by the
4 defendant's control and abuse and she did report it to the police prior but by time they arrived
5 they deemed it a no immediate threat as ACE had driven away.

6 48. The Plaintiff asserts that the attorney she was speaking to then disappeared after
7 she would not leave and seek shelter. The Plaintiff asserts that Ace then claimed that he would
8 produce and distribute the Album she made called PaperDoll but he never followed through with
9 his promised distribution.

10 49. The Plaintiff asserts that Ace eventually returned to the Gene Simmons Vault
11 experiences from St. Louis to Miami to Australia. The plaintiff had to spend the rest of 2018
12 back on the road with Ace and his bodyguards as an employee of Ace who was getting paid as a
13 contractor for GeneSimmonsvault.com experiences for select appearances. The plaintiff asserts
14 that when Defendant Simmons saw the plaintiff he turned "white as a ghost again" and verbally
15 harassed her incessantly and never ceased an opportunity to humiliate her in brief interactions.
16

17 50. The plaintiff asserts the lowpoint of the year was an exhausting 18 hour flight to
18 Australia with Ace August 28th, 2018 for a vault experience [https://www.youtube.com/watch?](https://www.youtube.com/watch?v=md-8L4bxi28)
19 [v=md-8L4bxi28](https://www.youtube.com/watch?v=md-8L4bxi28)) and then a combined Ace Frehley and Gene Simmons show with both
20 Defendants playing on one night in Sydney. [<https://www.youtube.com/watch?v=Kj6hgCWv5t4>
21 and <https://www.youtube.com/watch?v=KC4LIAaMv4M>]. The plaintiff asserts Ace disclosed
22 that he dissapeared in Vegas with blonde prostitute who stole his money.
23

24 51. As as the year drew to a close the Plaintiff assert that her husband Ace Frehley believed
25 with all his appearances that he did for his best friend Gene Simmons and the money he made for
26 him that he would rewarded with a new contract and rejoin the band. Ace even hired his band.
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1 The plaintiff asserts that Defendant Simmons finally invited "Ace" to the Kiss Kruise VIII
2 which was an annual sold out money maker for Kiss Army fans and they demanded for years to
3 see Ace on it. The plaintiff asserts that Ace was told he was invited to play the traditional
4 opening night sail away (out of makeup) acoustic performance. The fact that Ace was on the
5 KKruise VIII increased sales for the cruise and Ace playing the the opening set and then his
6 own set with his new "Gene Simmons band" was nothing unusual. The plaintiff asserts
7 however that what happened next was not usual. The plaintiff asserts that normally each Kiss
8 Band member current or former does an individual fan event which started with judging belly
9 flopping in a pool and advanced to cooking classes by Paul Stanley or guitar solos by Tommy
10 Thayer. Band members based on some sort of extra talent or interest could opt into this or do
11 a more serious Q and A. The plaintiff asserts that Ace opted to do a Q and A. When it came
12 time for Ace to leave shortly for his Q and A, a knock came at the door at the Frehley suite on
13 the massive ship. This was only 10 minutes prior to the Q and A, and both the Plaintiff Rachael
14 Gordon and Defendant Ace Frehley assumed it was someone to escort them downstairs to the
15 event. The plaintiff asserts it was a runner sent by Defendant Simmons and the plaintiff asserts
16 that she saw a wad of cash being put into Defendant Ace's hands. The plaintiff asserts that this
17 was witnessed by Ace's bodyguard Chris and another Ace band member. The plaintiff asserts
18 that Ace was told the Q and A was cancelled and this was payment for "not doing it." The
19 plaintiff asserts that Ace was quite shaken by this as he was looking forward to reconnecting
20 with fans worldwide who flew to Miami and went on the cruise to see him and he had done
21 dozens of interviews for the fans in dozens of venues across the world. The Plaintiff asserts
22 that "Team Ace" crew that appeared all unanimously encouraged Ace to still do the Q and A
23 given that it was his fans on the boat as much as Kiss fans but Ace reluctantly stayed in the
24 suite. The plaintiff asserts that this was a clear attempt to ensure that Ace did not share any
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1 information related to the past year specifically the two assaults he was aware of in January
2 committed against his wife of 12 years, the plaintiff Rachael Gordon. The plaintiff asserts that
3 this was the exact control exercised over her husband by Defendant Simmons and Paul Stanley
4 and was a clear attempt to show Ace that the "problem" was still there, the conspiracy to
5 eliminate the plaintiff was still there, and now the extortion committed by Defendant Simmons
6 was out in the open.

7 52. The plaintiff asserts that for the rest of the cruise she was followed by an
8 employee of Simmons who kept asking her to drink alcohol and that she avoided this to ensure
9 she was not drugged. The plaintiff asserts that they departed the Cruise in Miami humiliated by
10 the treatment they received. The plaintiff asserts that in a interview online as late as October 1,
11 2020 that he "was paid \$15,000 not to do the Q and A", and he "really did not have a good time
12 on the Kiss Kruise and specifically noted that no one approached him or thanked him from
13 KISS after his opening nigh acoustic set. The plaintiff asserts that Ace's long held 14 year effort
14 to rejoin Kiss as the lead guitarist for an extended period in the EOTR tour was over at that
15 moment and that he indicated that he was angry at Defendant Simmons for his actions. The
16 plaintiff notes that by the time the boat docked back in Miami on November 3rd that KISS was
17 gearing up for a worldwide 3 year tour that would end the band as a tour band and KISS only
18 spoke of a minor final show appearance for Ace and Peter Criss at Madison Garden in NYC.

19 53. KISS opened their EOTR Tour in Vancouver Canada on January 31st, 2019 and
20 two days prior Gene did a pre-opening night interview. Gene Simmons was asked if Ace
21 Frehley would be rejoining the band for any of the Tours dates and Gene responded "not on
22 your life" as Ace was unreliable. [Explanatory Rolling Stone article wherein Ace Frehley
23 responds with the Gloves are off statement-Ace reveals that Gene Simmons sexually assaulted
24 his wife Rachael Gordon, propositioned her and humiliated her. [[https://www.rollingstone.com/music/
26 music-news/kiss-ace-frehley-gene-simmons-feud-786373/](https://www.rollingstone.com/music/mus
25 music-news/kiss-ace-frehley-gene-simmons-feud-786373/)].
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1 The Plaintiff asserts that Ace stated that Gene Simmons was a predator his entire life and that he
2 clearly assaulted and propositioned his wife Rachael Gordon.

3 54. The plaintiff asserts that Ace now had a sudden interest in the January 13th, 2018
4 assault by his best friend Defendant Simmons at their Bridges home, a full year after his wife
5 was assaulted and she immediately told him of it. The plaintiff asserts that after this public
6 disagreement and with KISS out on the road with their multi-million dollar tour (EOTR)
7 without Ace, that Ace went back to touring starting in January 2019 and again in May 2019.
8

9 55. The plaintiff asserts that during this time when he was home off tour that she
10 overheard him at the pool screaming at his daughter on a phone that she needed to put on a
11 proper blouse and jacket and accompany him to the bank. Later, the plaintiff asserts that she
12 went to the same bank with her girlfriend and was advised that Ace tried to switch the bank
13 account for SpaceAceMusic Inc which the plaintiff was the sole principal and CEO to his
14 daughter Monique and he was denied given he had no signature. As of January 2020, the
15 Plaintiff asserts that after obtaining and reviewing the BOA SpaceAceMusic Inc accounts that
16 Ace controlled with an Ipad and no access given to the plaintiff that she has found over 25
17 transactions using her account and card fraudulent by Ace and Monique to purchase items
18 including high end clothes, restaurants and hotels while she received nothing for her work,
19 royalties, ghost writing, composing of songs, and 16 other tasks Ace and Monique conned her
20 into doing. Monique Frehely for over a decade terrorized the Plaintiff. There was constant
21 request for payment for drug rehabilitation, hospitalizations, travel. bills to fund drug
22 adventures. Many of the latter were frightening and involved law enforcement, bail bondsman,
23 courts and jails. Tens of thousands were spent on her. Ace revealed he did hard drugs with
24 Monique Frehley given he slept with her as early as 14 years old forming drug habits with her.
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1 The plaintiff asserts that she was mortified by these statements by Ace and had witnessed the
2 end result of which was Monique going into rages with her being locked in closets. The
3 plaintiff asserts and will testify that the other "Ace" would come out with threats that if the
4 she revealed what she saw to "anyone, her throat would be slit by the NJ Mafia family."

5 56. The plaintiff asserts that by May 2019 reality set in for Defendant Ace
6 Frehley. NOTHING HAD CHANGED FOR A KISS REUNION, SIMMONS' STATEMENT
7 that "*not on your life your life would Ace be allowed back in the band*" in any permanent role
8 confirmed his status. The plaintiff asserts that the social media fight that he engaged in with
9 Defendant Simmons only exacerbates and amplifies his position. The plaintiff asserts that it
10 only led to punishment for Ace and Rachael going on useless Simmons profiting (but not the
11 plaintiff) GeneSimmonsvault.com experiences from LA to Miami to Australia and places like
12 K.C.

13 57. The plaintiff asserts that Ace reverts back to his NY gansta self. The plaintiff
14 asserts that Ace brought up he was in the Ching-a-Ling Gang in NY in his youth. The
15 plaintiff had no idea what this gang was or why he mentioned it. The plaintiff asserts that on
16 October 1, 2020 Ace revealed that he met another woman, a school teacher named Lara Cove
17 one day prior to his 1978 solo album playing the entire album for a select audience in early
18 December 2018. The plaintiff asserts and will demonstrate that this was Defendant Ace's out
19 and opportunity. The plaintiff asserts that shortly thereafter when his social media "gloves
20 are off" that the Plaintiff was now viewed as just another broad who "interfered with his
21 business" and could easily be added to the collage. It was a year past the event and he was
22 not rejoining KISS as that ship had sailed. The plaintiff asserts that she believe that Ace felt if
23 she got roughed up for not following his "*directions not to interfa with his business,*" then
24 so be it. The plaintiff believe that how a relationship ends is more telling than how it got
25 started.
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1 58. The plaintiff asserts that in May 2019 Ace came home after a tour and
2 "announced" to Rachael that he wanted to buy another home in Rancho Del Lago Estates they
3 resided in. Although they had looked at another property briefly, the Plaintiff asserts she was
4 stunned by this statement by Ace as they had just moved into a brand new house in Rancho Del
5 Lago at 6515 Primero Izquierdo which was 2,000 sq feet larger than the prior leased estate in
6 the Bridges Community -4277 Via Ravello home). The plaintiff was told by Ace that he
7 wanted to *her to start she should planning a WEDDING for just after her birthday in late*
8 *June, 2019 only a month away* and that he wanted the wedding to simply take place on a new
9 property. The plaintiff asserts that she just wanted a simple wedding, but they key detail was
10 both parties were still legally married to other people. The plaintiff asserts that she already had
11 an engagement ring on her finger for close to 10 years and that was long enough.
12

13
14 59. The Plaintiff asserts that she actually did contact her ex-husband who she had
15 not seen for decades and began the process of getting a divorce. The plaintiff asserts that Ace
16 and herself planned a pretty typical normal birthday on June 24th for the plaintiff with an
17 annual trip to Palm Springs. After returning from the trip, the plaintiff asserts that Ace told her
18 that she should "rest up" and not come with him for his next tour into NY and MA. The
19 plaintiff asserts that Ace indicated that a house they had looked at prior he was buying and he
20 wanted the wedding to take place on that property. Ace added that the next tour was "too
21 rough" and she would not need to be there. The plaintiff asserts she called the tour manager
22 named Pat employed by Ace and inquired about the next tour whether it was "rough/arduous."
23 The plaintiff asserts that Pat indicted that there was nothing out of the ordinary about the next
24 leg and he did not know what Ace was referring to, "it was the standard mid range clubs,
25 comp'd hotels, nothing unusual. The plaintiff asserts that she just felt something was amiss but
26 still plans for her wedding.
27
28

Conspiracy to Commit Murder

1 60. The plaintiff asserts that what occurred after her birthday upon the return of
2 Defendant Paul Daniel "Ace" Frehley was not a planned wedding celebration, but a ruse, a plot
3 to commit murder, and Buddy Gonzensa, Monique Frehley and Toni Frankieville were
4 co-conspirators with Ace. The plaintiff that the thought process or mens rea was that Ace
5 planned for an ambush of just her by herself. Although her father was on the property, they
6 could easily move quickly to eliminate her in a fight wherein any perceived assault or assault
7 against Ace would be justification enough for a bodyguard to shoot her. The plaintiff asserts
8 that this was the methodology used in the 5 missing women in the Ace Frehely collage of
9 missing woman and this was done after the "blonde" from Texas was shot in the room in L.A.
10

11 61. The plaintiff asserts that if she was going to be ambushed and roughed up for
12 talking to a lawyer, upsetting uncle Gene that she interfered with Ace's business and "she
13 deserved her fate," the exact words Defendant Ace used in describing the situation to plaintiff
14 Rachael Gordon with respect to what happened to the women on the collage. The Plaintiff
15 asserts that telling Ace Frehely to get rid of a woman, any woman is equivalent to loading a gun
16 given Ace's past and the Defendant Simmons knew exactly what to say to him in terms of
17 anyone interfering with tarnishing the KISS brand, or earnings from a Kiss Tour particularly
18 the End of the Road Tour that caused him in Ace's mind to him not rejoining. The plaintiff
19 asserts that would STILL be perceived as "going outside of the family, the "Kiss family" and
20 revealing and speaking out about fraud, thefts, embezzlement, identify theft, heroin addictions,
21 substance abuse, rapes, robberies and murders. The plaintiff asserts that the "interring" with
22 business in terms of joining or rejoining a band or tour deserved retributable action that as a
23 punishment must could be hidden, not just be covered up in denials and legal agreements but
24 with real threats and real violence wherein the victim suddenly disappears.
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1 62. The plaintiff submits that if the truth of the assaults had hit the EOTR tour that
2 fans would have declined to go and not support Defendant Simmons and she would still be
3 somehow blamed like a Middle East woman who is raped and put on trial. The plaintiff asserts
4 and submits Defendant Ace truly believed he was being brought to Paul Stanleys house to
5 negotiate a concert promoter type deal for the EOTR tour, wherein sales were expected to even
6 double, triple with him back in the band. The plaintiff asserts that he had said this for over a 6
7 year period prior in numerous interviews that KISS could not go out on Tour without him. The
8 plaintiff asserts that when he asked about this contract when Simmons showed up, it drew
9 blank stares from both of them. Ace was stunned beyond belief as that is all he got from them
10 for 40 years of touring, albums and work.

11
12
13 **Cupcakes, Liz and the Kids Stop the Plot to Murder the Plaintiff**

14 63. The plaintiff asserts the tour dates in late June 2019 support this conspiracy and
15 the events that took place. The Tour dates for Ace Frehley after June 25th, 2019 included
16 starting the tour in Englewood NJ on June 28th; then Wilkes Barre PA, Huntington NY, White
17 Plains NY, Beverly MA and one final stop in New Bedford MA on July 6th, 2019 (the Vault at
18 Greasy Luck Brew Pub). The plaintiff submits that this was a dead end tour and The Vault at
19 the Geasy Luck Brewery was worlds away from a KISS tour with major venues in major cities.
20 The plaintiff asserts that on Sunday, July 7th, 2019 Ace was to fly out of Boston Logan Airport
21 back to the West Coast that day but he did not contact her. The plaintiff asserts that Ace lost
22 contact and disappeared. The plaintiff asserts that her husband of 12 years did not call her at all
23 from that Sunday July 7th to Thursday July 11th, 2019. The plaintiff asserts that Ace indicated
24 he would be arriving home the next day Friday July 12th, 2019.

25
26
27 64. The plaintiff asserts on July 11th, 2019 that she asked her best friend Liz to join
28 her the next day as Ace was due home. The plaintiff asserts she invited Liz and her kids to

1 come and swim in the pool and they had not seen her new mansion and that the kids believed
2 the Plaintiff was a Queen with such a castle and who was her King(?). The plaintiff asserts that
3 she bought Ace his favorite cupcakes in going to the store that night Thursday July 11th after
4 being told he would be arriving the next day as this was his favorite food. CUPCAKES. On
5 Friday July 12th, 2019 the plaintiff asserts and will testify that Ace believed the only other
6 person that was there on the property was her ill father in a guest house dying of cancer and
7 that the plaintiff would be alone. The plaintiff asserts and will testify that on that day, Liz her
8 best friend did show up with her two children who swam in the pool in the morning. The
9 plaintiff asserts and will testify that she texted Ace a picture of the cupcakes as a celebratory
10 food given their impending nuptials and indicated they had company waiting for him and he *did*
11 *not reply and did not arrive at the time he said or designated.* The plaintiff believes his plan
12 was altered and Ace after planning an ambush and murder of her had to change his plans
13 somewhat given the other guests were there as witnesses.
14

15
16 65. The plaintiff asserts and will testify that Ace instead of arriving at an earlier time
17 burst threw the door shouting 2 hours later with Toni Frankville who had a full shotgun in hand
18 and immediately threatened the plaintiff Rachael Gordon "not to move an inch" and points the
19 gun at her. The plaintiff asserts and will testify that Ace and his daughter Monique went
20 straight for his office and start clearing out items by wiping their hands across desks and tables
21 into boxes and Ace removes and find cheque books, statements and Gold albums and his
22 guitars. The plaintiff will testify there was a tremendous amount of shouting and "high fiving"
23 and verbal threats directed to the Plaintiff personally and they trapped her at various times. The
24 plaintiff will testify that a fourth person who was armed was in the garage to block anyone from
25 coming into the house while this ambush took place. The plaintiff asserts and will testify that
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1 Monique Frehley threatened to have the plaintiff killed. The plaintiff will testify that Toni
2 Frankville shouted at the plaintiff that "if she moved, she would shove the gun up her ass and
3 pull the trigger." The plaintiff asserts that Liz were petrified and asked to leave immediately
4 with her children. The plaintiff asserts and will testify that Liz kept asking the plaintiff -
5 "Who are these horrible people " and how "were they related or how she knew of them or
6 were related to them The plaintiff will testify and assert that Liz asked how she got trapped
7 in such a horrible situation, and that the plaintiff was able to use this moment to quickly get
8 off a 911 phone call the local police the SD Sheriffs Department. The Plaintiff will testify
9 and asserts that her father came into the house and immediately was pushed down by Toni
10 Frankville with a loaded gun in her hand and it was pointed at the children.
11

12 66. The plaintiff will testify and does assert that a SD Sheriffs officer arrived
13 outside and immediately Toni confronted him without a weapon and assured him that this
14 was a normal eviction and it was under control. The plaintiff will testify and asserts the SD
15 Sheriffs officer left without properly investigating or asking one question of the Plaintiff, the
16 Plaintiff's father, Liz or the Children. The plaintiff will testify that after approximately being
17 held hostage for close to an hour, that Monique Frehley, Toni Frankville and Ace himself
18 pulled down \$50,000 blue drapes onto the floor, punched holes in the walls and Monique
19 Frehely went into 8 bathrooms of a 16,000 sq foot mansion, took all toilet paper and shit in
20 every toilet and left it as such. The plaintiff will testify that Defendant Ace Frehleys last
21 words to the Plaintiff during this ambush were the rent was paid until August 3rd and she
22 must move out or pay the \$16,000 lease rent. The plaintiff will testify that she collapsed
23 jjust after her best friend Liz left with her children running down the driveway to their car.
24 The plaintiff will testify that any NCIC reports obtained on Toni Frankville will confirm an
25 extensive criminal record that Toni disclosed during the time she knew the Plaintiff.
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1 67. The plaintiff asserts that she had numerous conversations with Ace prior to the
2 July 12th, 2019 violent ambush regarding Toni carrying around guns in their house and Ace
3 always indicated that as a Bodyguard that was necessary and she would only be utilized out of
4 the on tour. The plaintiff will testify, provide evidence and asserts that after dealing with the
5 destruction of the and the damages at the mansion at 6515 Primero Izquierdo in the Rancho
6 Del Lago, that Ace refused to pay water bills and switched them personally to her name
7 without notifying her and that these were totaling . The plaintiff will testify and asserts that
8 the their housekeeper of 10 years Lucinda came onto the property and was horrified at the
9 violence committed against the plaintiff, her father and in front of her best friend and her
10 children. The plaintiff will testify and offer evidence and asserts that there was several friends
11 who came to the property and catalogued the destruction in particular the beautiful blue
12 drapes that were hung 25 feet in the air and were torn to shreds and cost \$50,000. The plaintiff
13 asserts that Ace initially sent Chis his other bodyguard to retrieve further items and he stated
14 that the ambush was planned for months prior and that Ace spoke openly of destroying the
15 drapes, punching holes in the wall and leaving every toilet with shit in it.
16
17
18

19 68. After their separation, the plaintiff asserts and will offer evidence that
20 she was able to make contact with a L.A. based attorney Debra Opri who was a former NY'er
21 and claimed that she would pursue her claim for millions and get her on TV. The plaintiff
22 will offer evidence that Ms. Opri was subsequently offered bribery and extortion money by
23 Simmons attorney Barry Mallen and quickly disappeared after initially being threatened with
24 a slander and libel suit.
25

26 69. The plaintiff asserts and will offer evidence and testimony that in mid August
27 Simmons agent attorney Barry Mallen contacted the plaintiff and demanded that she come to
28 Los Angeles to receive payment for making guest appearances in 2018 for the Gene Simmons

1 Vault experiences. The plaintiff asserts that she has no money, no access to any funds, to pay
2 for food, rent, car insurance or moving. The Plaintiff asserts that she was still in the mansion
3 and her father received a small pension. The plaintiff asserts that she was suspicious of this
4 demand and offer and took a friend with her to this meeting in Los Angeles. The plaintiff
5 asserts that Barry Mallen was extremely aggressive in this "meeting" with threats of a slander
6 suit against his client without referencing the facts of the assaults, acknowledging it at all.
7
8 The plaintiff asserts and will demonstrate with evidence and a witness that in the last 20
9 seconds of the "meeting" after "negotiating" an amount for appearance fees, that the Plaintiff
10 was presented with an employment release acknowledging a payment for this work and then
11 attorney Mallen demanded that to literally give her the money that she was owed and
12 desperately needed he presented her with another "release" which he said she needed to sign
13
14 The Plaintiff will testify and offer evidence to the court that she never read or agreed to any
15 Non Disclosure agreement and she was under threats, duress and was lied to by Attorney
16 Mallen. The plaintiff will offer evidence that she did not know what she signed and walked
17 out relieved she money for the first time in 12 years. The plaintiff will testify that when she
18 went to a local bank to cash the cheque it was from Gene Simmons personally and given she
19 had no credit and the branch manager had to contact Gene Simmons personally as the plaintiff
20 had Genes personal cell phone number related to prior appearances. The plaintiff assert that
21 she overheard Gene speaking to the Manager and they approved the release of the funds
22 directly to the plaintiff in cash and she left.
23

24 70. The plaintiff asserts she used that money to lease another property unknown to
25 the Defendants in SD County, to pay for moving 17 tons of furniture that Ace abandoned to
26 set up money for her father to live and he was dying and ill as Ace never spoke to her father
27 again or expressed any concern or remorse.
28

1 71. The plaintiff asserts that she could not even get proper utilities set up due
2 her credit, that Ace had taken her ability to function with no bank accounts, credit cards, her
3 drivers license expired and even her Passport in the same status expired. The plaintiff will
4 testify and asserts that Ace himself returned two times prior to her departure from the 6515
5 mansion and both times he threatened her physically with bodily harm and death again and
6 did so with one of the plaintiffs girlfriends present and when she indicated she heard the
7 threats that Ace then threatened her as well. The plaintiff asserts the first time he arrived he
8 indicated to the plaintiff that he would make her life a "living hell" and the second time he
9 came back he was stoned and drunk. On the second visit the plaintiff asserts that he claimed
10 he was there to obtain the two cars that were in the plaintiffs name and he bought. The
11 plaintiff asserts that Ace told her directly that if she did not "sign over" the two cars to HIM
12 personally that "it would be the last thing she did on the face of the earth." The plaintiff
13 asserts and will testify that Ace had access to numerous guns and weapons in a separate
14 storage that he maintained in San Diego. The plaintiff asserts and will testify that she had her
15 friend Sherri there but that she was shaking so much with these threats that she could not
16 write or type up any agreement. The plaintiff will asserts and testify that Sherri typed up a
17 short bill of sale to Ace and a negotiation began as to how much he was willing to pay. The
18 plaintiff asserts that given he was drunk, stoned an inebriated and that he was visibly angry
19 and threatened violence that she did not argue with him. The plaintiff asserts and will testify
20 that Ace offered only \$20,000 for a \$27,000 2009 Jaguar and a second vehicle a \$23,000 2013
21 Jeep that he switched over in ownership to his daughter Monique who threatened the plaintiff
22 with death for over 10 years.

23 72. The plaintiff asserts that Ace also at that time indicted to his wife of 12 years
24 that she would never work again in the recording industry, and that he spoke to two of her
25

1 closest friends Jay and Thomas. The plaintiff asserts she confirmed these threats and phone
2 calls received by her friends who were shocked and stunned by his actions and words.

3 73. The plaintiff asserts that she was able to move to an undisclosed house in
4 San Diego but that Ace continued to send black cars and found her at the house. The
5 plaintiff contends that Ace then forced her through his attorney Jennifer Goldman to endure
6 a 7 hour deposition when she was not trial, he was in a restraining order set for a hearing in
7 January 2020. The plaintiff asserts the attorney asked spurious questions about her hair,
8 clothing and shopping in a vain attempt to claim she was paid wages and lived a good life
9 with Ace with no restrictions and she should have no complaints which is a pathological lie.
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11 74. The plaintiff asserts that the restraining order hearing that was heard in a SD
12 Civil Superior Court and would deal with her massive debts and property and first and
13 foremost her safety to be protected as a Marsy's victim was the single most important day
14 of her life. The plaintiff asserts and will testify in court that after substantial evidence being
15 presented by a civil lawyer she retained ABOUT ALL THE DETAILS OF THE JULY
16 12TH ASSAULT AND THE ABUSE SHE SUFFERED FOR 12 YEARS, THE CIVIL
17 COURT FAILED HER AND RISKED HER LIFE. The plaintiff asserts that only a week
18 prior to the hearing she was referred to another attorney who picked up the case and tried
19 to present such a voluminous amount of facts and it came down to the July 12th ambush and
20 threat to kill her but there is substantially more evidence that will be presented properly in
21 this court and in the criminal courts for the damages she suffered due to the actions of both
22 defendants. This court heard of the evidence related to July 12th, 2019 plot to ambush her
23 and murder her, particularly that audio introduced by Ace's attorney that clearly identified
24 Toni Frankville screaming at her that she would shove a loaded gun "up her ass" into her
25 body and fire it and that Monique Frehley and Jeanette Frehley stated they would slash her
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1 throat. All these threats were ignored and a present danger that day in court was used as
2 justification for rescinding a court restraining order. The judge only offered that he
3 "suggested" that the parties at some point come together to work out their differences and
4 settle any property or palimony payments to avoid coming back to court. The plaintiff asserts
5 that this type of decision emboldens a person who threatens another with death repeatedly and
6 has no one stop him or ends his control and terror over the plaintiff. The plaintiff asserts and
7 will argue that proof was in the pudding when Ace immediately stepped out of the courtroom
8 and did an on camera interview and lied to the entire world by that the plaintiff "did not want
9 to accept that the relationship was over and was using a temporary restraining order to try to
10 obtain my belongings." The plaintiff asserts that this is a pathological lie and that on the record
11 Ace stated that he did not want his belongings, got what he wanted from the house, and that the
12 Plaintiff "could keep the contents of their shared mansion and he did not want any of it."
13 [\[https://www.nbcsandiego.com/news/local/san-diego-judge-denies-restraining-order-against-](https://www.nbcsandiego.com/news/local/san-diego-judge-denies-restraining-order-against-former-kiss-guitarist/2245603/)
14 [former-kiss-guitarist/2245603/](https://www.nbcsandiego.com/news/local/san-diego-judge-denies-restraining-order-against-former-kiss-guitarist/2245603/)
15
16 The plaintiff asserts that what appears as a kind gesture is anything but as she is left with
17 massive debts, ruined credit, two stolen cars, no drivers license, no passport and no way to
18 open a bank account. The plaintiff will introduce evidence to the court that not only did Ace
19 leave her with 17 tons of items, heavy furniture, multiple set of beds, outdoor furniture with no
20 way to pay for a house, storage, any utility bills, insurance, food, water or past March 2020
21 with a place to live. The plaintiff asserts that her attorney attempted to negotiate with Jennifer
22 Goldman as per the courts direction but she soon stopped and indicated she was no longer
23 retained. The plaintiff asserts that threats against her still communicated with texts from
24 numbers in the ST. The plaintiff asserts that Ace called her at the end of the day after the
25 restraining order and told her verbatim - that "was going to make her life very very difficult
26 for attempting to put a restraining order on him and exposing his actions in a public court."
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1 75. The plaintiff asserts that she recalled that after the hearing Ace has stated that he
2 had to replace her on the red carpet and to do so he had to eliminate her." The plaintiff asserts
3 that by the end of March 2020, the rent she had paid for a leased house combined with massive
4 costs to move and pay cash for bills left her almost penniless. The Plaintiff asserts and submits
5 that she like the rest of the planet did not count on a world wide pandemic affecting her The
6 Plaintiff believed the COVID laws from Governor Newsom would prevent her from being
7 evicted as she was not running a drug house or was it a health risk in living alone. The plaintiff
8 will submit evidence that by July the local San Diego Sheriff started to ignore these orders and
9 summarily evict commercial property tenants who could not pay their rent. The plaintiff will
10 submit evidence she did communicate with her leased landlord her dire situation and she
11 pleaded and made inquiries with both the landlord and his legal representative to avoid eviction.
12 The plaintiff asserts that the landlords attorney indicated and lied to her that they would work
13 with her to avoid an eviction during COVID and it was a lie. The plaintiff was relying on a
14 claim being filed by her attorney which did not happen for 9 months after negotiations broke
15 down with Defendant Ace related to a civil partnership and palimony support when Ace
16 disappeared for six months. The plaintiff was awoken on September 9th 2020 by **5 San Diego**
17 **Sheriff officers with eviction papers that were not served on her at all. The attorney**
18 **Timothy Kinderlan was there and demanded she vacate the home immediately.** The
19 plaintiff will submit evidence that the Landlords at the house harassed her incessantly and came
20 into her home identifying property they could remove from the home and wanted to see her
21 KISS and Ace property. The plaintiff asserts she was given 10 mins by the Sheriffs officer to
22 gather a suitcase and vacate her home with over 17 tons of furniture and personal items.

27 76. The plaintiff asserts that her Rabbi attended and begged for more time for the Plaintiff
28 to gather her items and was told to leave immediately even after lying on the ground

1 begging for mercy. The plaintiff will enter evidence they failed and she had to be taken to
2 a hotel that her synagogue paid for out of an emergency shelter fund. The plaintiff was not told
3 under Civil procedures in Forcible detainers that she had 3 days to dispute this (extended to 10
4 days under COVID, that she had an absolute right to see and remove her property for 14 days.
5 The plaintiff will submit evidence that due to the Defendants actions that over \$146,000 worth of
6 property was removed and stolen from her in the abridged house. The plaintiff was told by the
7 landlord attorney Timothy Kinderlan that she could only access her property after 14 days when it
8 was *the exact opposite that she was entitled to remove the property during the 14 days and only*
9 *pay "reasonable storage fees."* The plaintiff asserts and will introduce evidence to the court that
10 she was charged \$250 a day for storage which is a traditional legal fee rate by the attorney
11 Kinderlan who extorted \$\$3,750 for her to enter her own house and he limited it to 7 hours of
12 access and had armed guards with guns. The landlord himself stole the \$16,000 golf cart that the
13 PPlaintiff owned given she could not load it on a third van as well as a pool table that was taken.
14 Over \$130,000 worth of furniture, personal property was left at the house and the plaintiff was
15 still homeless. The plaintiff will introduce evidence and asserts that when this occurred she
16 finally got Defendant Ace on the phone from the hotel given social media posts.
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20 77. The plaintiff asserts that Ace called the plaintiff from a condo he set up with their
21 money for Monique in Newport Beach, Ca. The plaintiff asserts that she indicated to Ace she
22 was hungry and had not eaten in 3 days and she had lost 35lbs to which Ace responded you
23 would like Bridget Bardot and laughed in her face. The plaintiff asserts that she tried to
24 summarize what occurred to her in being evicted 8 days earlier. The plaintiff asserts that Ace
25 then became argumentative and screamed at her at the top of his lungs that she *"was doing all*
26 *this to herself (victim blaming) and she deserved this fate for not keeping her mouth shut as he*
27 *told her about him and KISS."*
28

1 78. The plaintiff asserts and discloses and will enter substantial evidence of physical
2 injuries to the head, rapes and bodily and mental trauma she suffered as a direct result of being
3 made homeless by the callous and malicious actions of both Defendants. The plaintiff asserts
4 that Ace was notified by numerous individuals including a man of the cloth a rabbi and two of
5 Rachael's friends that she was imminently homeless and in jeopardy of being attacked as a
6 woman on the streets as the hotel money from the Synagogue had run out of the funds. The
7 plaintiff asserts that Defendant Ace and Defendant Simmons knew well what they were doing
8 to conspire to make a 53 year old woman homeless for exposing their actions, criminality and
9 committed felonies including fraud, identity theft, sexual battery, assault, conspiracy to commit
10 murder and threats of bodily harm all to ensure that she was eliminated and never heard from
11 just like prior women in their past on the Ace Frehley collage of disappeared and punished
12 woman he showed to the plaintiff and warned she would be one of them.

15 79. The plaintiff asserts that on September 25th, 2020 with no place to go she accepted
16 a Facebook invitation from someone who messaged her and she did not know. This person
17 claimed to be a local artist and could help her out. The plaintiff asserts that he was in fact a
18 felon rapist from MA who came to SD and had a extensive record unbeknown to her. The
19 used her remaining money to pay for storage fees and moving fees and what remained over
20 she used for two small storages close to this persons trailer. The plaintiff will submit evidence
21 that she was raped over a month period and was finally trapped by him after being hit about
22 the head mercilessly. The plaintiff suffered trauma to the head. The plaintiff reported it to the
23 CV Police who refused to charge the offender, did not do SART procedures, get her to a
24 hospital or interview 3 witnesses. The rapist offender double locked her storage and attempted
25 to extort money from her and he stole property from her including vases. This was after over
26 \$150,000 in property was stolen from her the prior month by attorney Timothy Kinderlan.

80. The plaintiff asserts that in 2004, Wendy Moore requested to be Ace's house
keeper when she met him at 28 and they became romantically involved and ended up doing
drugs together that led to his second departure from KISS. What she endured was almost
identical in terms of techniques used by Ace in terms of physical, psychological and financial
abuse. <https://bravewords.com/news/into-the-void-with-ace-frehley-book-reveals-the-real-ace>
The plaintiff asserts that unlike Wendy, she was an established singer, 41 years old (Ace-56)
and was a small business owner, all that he ruined. The plaintiff Rachael Gordon was stripped
of her civil rights to speak, assaulted by both Defendants, threatened with death and had to
endure daily exhausting abuse and numerous attempts on her life. Both Defendants were in a
Band that due to their status they denied the plaintiff all her human and civil rights.

81. As a direct and proximate result of Defendants' unlawful conduct as alleged
hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
embarrassment, mental and emotional distress and anxiety, and economic harm, all in an amount
exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

82. The aforementioned conduct by Defendants was willful, wanton, and malicious.
At all relevant times, each Defendant acted with conscious disregard of the Plaintiff's rights and
feelings. Each Defendant also acted with the knowledge of or with reckless disregard for the fact
that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is
further informed and believes that Defendants intended to cause fear, physical injury and/or pain
and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover
punitive and exemplary damages from Defendants according to proof.

FIRST CAUSE OF ACTION

(Sexual Battery in Violation of Cal. Civ. Code § 1708.5 Against all Defendants)

83. Plaintiff repeats and realleges by reference each and every allegation contained
hereinabove and incorporates the same herein as though fully set forth herein.

84. Cal. Civ. Code Section 1708.5(a) provides: A person commits a sexual battery
who does any of the following: (1) acts with the intent to cause a harmful or offensive contact
with an intimate part of another, and a sexually offensive contact with that person directly or

1 indirectly results. (2) Acts with the intent to cause a harmful or offensive contact with another by
2 use of his or her intimate part, and a sexually offensive contact with that person directly or
3 indirectly results. (3) Acts to cause an imminent apprehension of the conduct described in
4 paragraph (1) or (2), and a sexually offensive contact with that person directly or indirectly
5 results.

6 85. Cal. Civ. Code Section 1708.5(d) defines "intimate part" as the sexual organ,
7 anus, groin, or buttocks of any person, or the breast of a female.

8 86. Cal. Civ. Code Section 1708.5(f) defines "offensive contact" to mean contact that
9 offends a reasonable sense of personal dignity.

10 87. Each Defendant conspired and/or aided and abetted the other to hold Plaintiff at
11 Ace and committed a sexual battery against her and against her will

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16 88. Plaintiff alleges that pursuant to the above conspiracy, Defendant Simmons
17 committed an act of civil sexual battery in violation of Cal. Civ. Code Section 1708.5,
18 when on or about January 13th Defendant Simmons willfully, maliciously, intentionally
19 and without the consent of Plaintiff subjected her to the forceful, harmful and/or
20 offensive penetration of the plaintiff's vagina, without her consent, and in spite of her struggling
21 with the Defendant Simmons and being taken by surprise in a calculated assault by way of vaginal
22 penetration and forcing her to perform oral sex against her will, without her
consent, and in spite of her express objection.

23 89. As a direct and/or proximate result of Defendants' unlawful conduct as alleged
24 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
25 embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the
26 jurisdictional minimum of the Superior Court according to proof at trial.

27 90. As a direct and proximate result of Defendants' unlawful conduct as alleged
28 hereinabove, Plaintiff has suffered economic harm, loss of earnings, and other damages, all in an

1 amount that exceeds the jurisdictional minimum of the Superior Court, according to proof at
2 trial.

3 91. The aforementioned conduct by Defendants was willful, wanton, and malicious.
4 At all relevant times, Defendants acted with conscious disregard of the Plaintiff's rights and
5 feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that
6 their conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is further
7 informed and believes that Defendants intended to cause fear, physical injury and/or pain and
8 suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive
9 and exemplary damages from Defendants according to proof at trial.

10 **SECOND CAUSE OF ACTION**

11 **(Gender Violence in Violation of Cal. Civ. Code § 52.4 Against All Defendants)**

12 92. Plaintiff repeats and realleges by reference each and every allegation contained
13 hereinabove and incorporates the same herein as though fully set forth herein.

14 93. Cal. Civ. Code Section 52.4(c) defines "gender violence" as: (1) one or more acts
15 that would constitute a criminal offense under state law that has as an element the use, attempted
16 use, or threatened use of physical force against the person or property of another, committed at
17 least in part based on the gender of the victim, whether or not those acts have resulted in criminal
18 complaints, charges, prosecution, or conviction. (2) A physical intrusion or physical invasion of
19 a sexual nature under coercive conditions, whether or not those acts have resulted in criminal
20 charges, complaints, charges, prosecution, or conviction.

21 94. As alleged hereinabove, on or about February 24, 2017, each Defendant acted to
22 aid, abet, and/or conspire with the other to violate Cal. Civ. Code Section 52.4. The Defendants
23 committed acts of gender violence upon the Plaintiff through the use, attempted use, or
24 threatened use of physical force against her person, committed at least in part based on Plaintiff's
25 gender.

26 95. As alleged hereinabove, on or about January 13th 2018, Defendant Simmons acted
27 to aid, abet, and/or conspire with the other to violate Cal. Civ. Code Section 52.4 so that he
28 engaged in a physical intrusion or physical invasion of a sexual nature under coercive conditions.

1 96. As a direct and proximate result of Defendants' unlawful conduct as alleged
2 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
3 embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the
4 jurisdictional minimum of the Superior Court according to proof at trial.

5 97. As a direct and proximate result of Defendants' unlawful conduct as alleged
6 hereinabove, Plaintiff has suffered economic harm and other consequential damages, all in an
7 amount according to proof at trial.

8 98. The aforementioned conduct by Defendants were willful, wanton, and malicious.
9 At all relevant times, each Defendant acted with conscious disregard of Plaintiff's rights and
10 feelings. Each Defendant also acted with the knowledge of or with reckless disregard for the fact
11 that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is
12 further informed and believes that each Defendant intended to cause fear, physical injury and/or
13 pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover
14 punitive and exemplary damages from Defendants according to proof at trial.

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THIRD CAUSE OF ACTION

(Ralphs Civil Rights Act--Violation of Cal. Civ. Code § 51.7 Against All Defendants)

20 99. Plaintiff repeats and realleges by reference each and every allegation contained
21 hereinabove and incorporates the same herein as though fully set forth herein.

22 100. Cal. Civ. Code Section 51.7(a) states "all persons within the jurisdiction of this
23 state have the right to be free from any violence, or intimidation by threat of violence, committed
24 against their persons or property because of political affiliation, or on account of any
25 characteristic listed or defined in subdivision (b) or (e) of Section 51 . . . or because another
26 person perceives them to have one or more of those characteristics."

27 101. At all times mentioned herein, Plaintiff had the right to be **free from any violence,**
28 **or intimidation by threat of violence, committed against her person on account of her sex.**

1 102. As alleged hereinabove, each Defendant subjected Plaintiff to violence, and/or
2 intimidation by threats of violence, against her person on account of her sex and/or acted to aid,
3 incite and/or conspire with the other Defendant(s) to deny Plaintiff her right to be free from any
4 violence, or intimidation by threat of violence, committed against her person on the account of
5 her sex.

6 103. In doing so, each Defendant violated the civil rights of Plaintiff, as set forth in the
7 Ralph Civil Rights Act, which is codified in Cal. Civ. Code Section 51.7.

8 104. As a direct and proximate result of Defendants' unlawful conduct as alleged
9 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
10 embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the
11 jurisdictional minimum of the Superior Court according to proof at trial.

12 105. As a direct and proximate result of Defendants' unlawful conduct as alleged
13 hereinabove, Plaintiff has suffered economic harm and other consequential damages, all in an
14 amount according to proof at trial.

15 106. The aforementioned conduct by Defendants were willful, wanton, and malicious.
16 At all relevant times, each Defendant acted with conscious disregard of Plaintiff's rights and
17 feelings. Each Defendant also acted with the knowledge of or with reckless disregard for the fact
18 that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is
19 further informed and believes that each Defendant intended to cause fear, physical injury and/or
20 pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover
21 punitive and exemplary damages from Defendants according to proof at trial.

22 107. In addition to and/or in lieu of Plaintiff's election, Plaintiff is entitled to receive
23 and hereby seeks statutory damages pursuant to Cal. Civ. Code § 52(b), including actual and
24 exemplary damages.

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1 **FOURTH CAUSE OF ACTION**

2 **(For Battery Against All Defendants)**

3 108. Plaintiff repeats and realleges by reference each and every allegation contained
4 hereinabove and incorporates the same herein as though fully set forth herein.

5 109. As alleged hereinabove, each Defendant aided, abetted and/or conspired to
6 sexually batter Plaintiff. In performing the acts described herein, Defendants acted with the
7 intent to make a harmful and offensive contact with Plaintiff's person.

8 110. Pursuant to the above conspiracy and/or Defendant Ace acting to aid and abet
9 the other Defendant Simmons did, in fact, bring themselves into offensive and unwelcome
10 contact with Plaintiff as described hereinabove.

11 111. At all relevant times, Plaintiff found the contact by Defendant Simmons and ACE
12 to be offensive to her person and dignity. At no time did Plaintiff consent to any of the acts by
13 either Defendants alleged hereinabove.

14 112. As a result of Defendants' acts as hereinabove alleged, Plaintiff was physically
15 harmed and/or experienced offensive contact with her person.

16 113. As a direct and proximate result of Defendants' unlawful conduct as alleged
17 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
18 embarrassment, mental and emotional distress and anxiety, economic harm and other
19 consequential damages, all in an amount exceeding the jurisdictional minimum of the Superior
20 Court according to proof at trial.

21 114. The aforementioned conduct by Defendants was willful, wanton, and malicious.
22 At all relevant times, Defendants acted with conscious disregard of the Plaintiff's rights and
23 feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that
24 their conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is further
25 informed and believes that Defendants intended to cause fear, physical injury and/or pain and
26 suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive
27 and exemplary damages from Defendants according to proof at trial.

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1 **FIFTH CAUSE OF ACTION**

2 **(Assault Against All Defendants)**

3 115. Plaintiff repeats and realleges by reference each and every allegation
4 hereinabove and incorporates every allegation herein above enumerated.

5 116. As alleged hereinabove, each Defendant conspired and/or aided and abetted the
6 other to assault Plaintiff on January 6th, 2018 at Capitol Records and on January 13th, 2018
7 at the 4277 residence, denying her access to her phone, falsely imprisoning her in one of the
8 bedroom with Defendants outside ,
9 Defendants intended to cause Plaintiff apprehension of an imminent harmful and offensive
10 contact with her person that could result in harm to her or her imminent death.

11 117. As a result of Defendants' acts, Plaintiff was in fact, placed in great apprehension
12 of imminent harmful and offensive contact with her person that could result in harm or her death.

13 118. In performing the acts alleged hereinabove, Defendant Simmons acted with the
14 intent of making contact with Plaintiff's person.

15 119. At no time did Plaintiff consent to any of the acts by Defendants as alleged
16 hereinabove.

17 120. Defendants' conduct as described above, caused Plaintiff to be apprehensive that
18 Defendants would subject her to further intentional invasions of her right to be free from
19 offensive and harmful contact and demonstrated that at all times material herein, Defendants had
20 a present ability to subject her to an intentional offensive and harmful touching and threats to her.

21 121. As a direct and proximate result of Defendants' unlawful conduct as alleged
22 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
23 embarrassment, mental and emotional distress and anxiety, and economic harm, all in an amount
24 exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

25 122 The aforementioned conduct by Defendants was willful, wanton, and malicious.
26 At all relevant times, Defendants acted with conscious disregard of the Plaintiff's rights and
27 feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that
28 their conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is further

1 informed and believes that Defendants intended to cause fear, physical injury and/or pain and
2 suffering to the Plaintiff. By virtue of the foregoing, Plaintiff is entitled to recover punitive and
3 exemplary damages from Defendants according to proof at trial.

4 **SIXTH CAUSE OF ACTION**

5 **(Interference with Exercise of Civil Rights--Violation of**
6 **Cal. Civ. Code § 52.1 Against All Defendants)**

7 123. Plaintiff repeats and realleges by reference each and every allegation contained
8 hereinabove and incorporates the same herein as though fully set forth herein.

9 124. Civ. Code § 52.1, the Bane Act, provides that it is unlawful to interfere with the
10 exercise or enjoyment of any rights under the Constitution and laws of this state and the United
11 states by use or attempted use of threats, intimidation or coercion.

12 125. Cal. Civ. Code §§ 51.7 and 52.4 guarantee the rights to persons in California to be
13 free from assault, battery, and/or violence or threats of violence based on his or her sex.

14 126. Cal. Civ. Code § 43 guarantees the right of every person the right of protection
15 from bodily restraint or harm and personal insult.

16 127. As alleged hereinabove, Defendants intentionally interfered with or attempted to
17 interfere with Plaintiff's clearly established rights guaranteed under United States and California
18 laws, including but not limited to Plaintiff's right of protection from battery, assault, false
19 imprisonment, gender violence, and sexual battery, and threats, intimidation, and coercion.

20 128. Defendants conspired, aided or incited each other to threaten, intimidate and
21 coerce Plaintiff by, among many things, holding Plaintiff at Ace residence against her will,
22 depriving her of her phone, at 6515 displaying guns to intimidate her from protesting, demanding
23 that she not disclose Defendant Ace's illegal acts

24 129. As a direct and proximate result of Defendants' unlawful conduct as alleged
25 hereinabove, Plaintiff has suffered physical injury, severe emotional distress, humiliation,
26 embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the
27 jurisdictional minimum of the Superior Court according to proof at trial.

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130. As a direct and proximate result of Defendants' unlawful conduct as alleged hereinabove, Plaintiff has suffered economic harm and other consequential damages, all in an amount according to proof at trial.

131. The aforementioned conduct by Defendants were willful, wanton, and malicious. At all relevant times, each Defendant acted with conscious disregard of Plaintiff's rights and feelings. Each Defendant also acted with the knowledge of or with reckless disregard for the fact that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff. Plaintiff is further informed and believes that each Defendant intended to cause fear, physical injury and/or pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive and exemplary damages from Defendants according to proof at trial.

132. In addition to and/or in lieu of Plaintiff's election, Plaintiff is entitled to receive and hereby seeks statutory damages pursuant to Cal. Civ. Code § 52(b), including actual and exemplary damages.

133. Pursuant to Cal. Civ. Code § 52(b)(3), Plaintiff has incurred, and will continue to incur, attorneys' fees in the prosecution of this action and therefore demands such reasonable attorneys' fees and costs as set by the Court.

SEVENTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress against all Defendants)

134. Plaintiff repeats and realleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

135. Defendant Ace knew or should have known that Plaintiff did not want to engage in any illegal activity with him whatsoever. Defendant Ace in possessing or hiring bodyguards that displaying guns to intimidate the plaintiff from speaking or being threatened in her own home in in front of children and the verbal threats from Defendant Ace over a period of several years caused intentional infliction of emotional distress to the plaintiff and knowingly to anyone he came into contact with related to the Plaintiff whether they be adults or children in a wanton deliberate fashion

1 136. Defendants Ace knowing disregard for the safety of the Plaintiff was a
2 deliberate attempt on his part to intimidate the plaintiff and destroy her will to live

3 137. Defendants' conduct was extreme and outrageous. Defendants acted with
4 reckless disregard for Plaintiff's rights and feelings, and with deliberate indifference to the
5 certainty that Plaintiff would suffer emotional distress, psychological harm and mental pain.

6 138. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and
7 will continue to suffer severe mental anguish, humiliation, pain, severe emotional distress and
8 physical distress. The general and special damages suffered by Plaintiff as a proximate result of
9 the wrongful actions of the Defendants exceed the jurisdictional minimum of the Superior Court.

10 139. Plaintiff is informed and believes, and based upon such information and belief
11 alleges, that the egregious violent conduct of the Defendants described above was performed with
12 conscious disregard for her rights and feelings. As a result, Plaintiff is entitled to punitive or
13 exemplary damages from all defendants in a sum according to proof at trial.

14 EIGHTH CAUSE OF ACTION

15 **(For Premises Liability (Negligence) against Defendant ACE and DOES 1-50)**

16 140. Plaintiff repeats and realleges by reference each and every allegation contained
17 hereinabove and incorporates the same herein as though fully set forth herein.

18 141. In the alternative, Plaintiff alleges that Defendant ACE was negligent in the use
19 and/or maintenance of the property as alleged hereinabove.

20 142. Defendant Ace owned or controlled the property on which Plaintiff was
21 harmed. As the owner or occupier of the property, and the plaintiff's husband for 12 years, Ace
22 was under a duty to manage and act reasonably to control his property and guests to prevent any
23 injury or sexual assault especially by Defendant Simmons who he called a sexual predator online.

24 143. Based on information and belief, Plaintiff alleges that Defendant Ace was aware
25 of the risk of sexual assault by Defendant Gene Simmons and failed to do anything to prevent
26 this risk. Defendant Ace never revealed the January 6th assault nor the more egregious sexual
27 battery assault against the plaintiff his wife for 12 years for a full year in public. Defendant
28 Ace never provided minimal protection to his wife. Defendant Ace never watched Simmons

1 based on his descriptions of Simmons as a sexual deviant on tour and in his life on NYC radio.

2 107. Defendant Ace also created the risk by inviting Simmons to his home and having
3 his wife of 12 years present and demanding that she stay there to serve cookies. The Defendant
4 Ace allowed Simmons to enter his home under the pretense of songwriting but once left alone for
5 one brief minute, he pounced on his wife. The Defendant was told explicitly that an assault had
6 taken place in public at a Gene Simmons Vault.com event, and Ace disclosed that Simmons was
7 a known assaulter and predator for decades. Defendant Ace then threatened his wife of 12 years
8 first for financial reasons she should keep her Jew mouth shut in a horrid act of blatant anti-semitism

9 108. rtue of the information Brown knew or should have known as alleged herein,
10 Defendant owed Plaintiff a duty to prevent sexual assault and the kinds of injuries she sustained.

11 109. Defendant breached this duty of care by way of his own conduct as alleged
12 herein. Defendant failed to take reasonable steps to protect Plaintiff. By virtue of the
13 information the Defendant had, he failed in his fiduciary, husbandry duty to exclude and protect
14 the plaintiff his wife for 12 yeas from a sexual predator. The Defendant Ace Frehley then used the
15 conspiratorial request of Defendant Simmons to "get rid of the plaintiff, get rid of her now" to plot
16 several murder attempts to "rough her up" which disregarded over 6 people safety on July 12th
17 2019 and thereafter plotted to ensure she had no resources was defrauded of any financial means.

18 110. As a direct result of Defendant's threatening and illegal conduct, the Plaintiff has
19 suffered emotional distress, humiliation, and embarrassment, economic harm, all in amount
20 exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

21 **WHEREFORE**, Plaintiff prays judgment be entered in her favor against Defendants, and
22 each of them, as follows:

23 **AS TO THE FIRST CAUSE OF ACTION:**

- 24 1. For general and special damages according to proof;
25 2. For punitive and exemplary damages according to proof;
26 3. For costs of suit incurred in this action;
27 4. For such other and further relief as the Court may deem just and proper.
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AS TO THE SECOND CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For punitive and exemplary damages according to proof;
- 3. For injunctive relief;
- 4. For such other and further relief as the Court may deem just and proper.

AS TO THE THIRD CAUSE OF ACTION:

- 1. For general and special damages according to proof;
 - 2. For punitive and exemplary damages according to proof;
 - 3. For additional statutory civil penalty in the sum of \$25,000,000. Code
 - 4. pursuant to Civ. Section 52 (b)
- Section 52(b);
- 5. For injunctive relief;
 - 6. For such other and further relief as the Court may deem just and proper.

AS TO THE FOURTH CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For punitive and exemplary damages according to proof;
- 3. For costs of suit incurred in this action;
- 4. For such other and further relief as the Court may deem just and proper.

AS TO THE FIFTH CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For punitive and exemplary damages according to proof;
- 3. For costs of suit incurred in this action;
- 4. For such other and further relief as the Court may deem just and proper.

AS TO THE SIXTH CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For punitive and exemplary damages according to proof;
- 3. For attorneys' fees and costs of suit incurred in this action;

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- 4. For additional statutory civil penalty in the sum of \$25,000 pursuant to Civ. Code Section 52.1(b);
- 5. For injunctive relief;
- 6. For such other and further relief as the Court may deem just and proper.

AS TO THE SEVENTH CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For punitive and exemplary damages according to proof;
- 3. For costs of suit incurred in this action;
- 4. For such other and further relief as the Court may deem just and proper.

AS TO THE EIGHTH CAUSE OF ACTION:

- 1. For general and special damages according to proof;
- 2. For costs of suit incurred in this action;
- 3. For such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff Rachael Gordon demands trial of all issues by jury.

DATED: January 13th, 2020

Rachael Gordon
Rachael Gordon, Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Rachael F. Gordon TELEPHONE NO.: 619-513-9158 FAX NO.:		<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>San Diego</u> STREET ADDRESS: 500 3rd Avenue MAILING ADDRESS: CITY AND ZIP CODE: Chula Vista 91910 BRANCH NAME: <u>Chula Vista South</u>		
CASE NAME: Rachael Gordon v Gene Simmons, Paul Daniel Frehley		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 13th, 2020
 Rachael Gordon
 [TYPE OR PRINT NAME]

Rachael Gordon

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- Class actions must be filed in the Stanley Mosk Courthouse, Central District.
- Permissive filing in central district.
- Location where cause of action arose.
- Mandatory personal injury filing in North District.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office.
- Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11	

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: Address withheld under Marsy's law
CITY: Chula Vista	STATE: CA	ZIP CODE: 91935	

Step 5: Certification of Assignment: I certify that this case is properly filed in the South _____ District of the Superior Court of California, County of San Diego [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: January 13th 2020

Rachael Gordon

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.