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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 JANE DOE, an individual,

13 Plaintiff,

14 v.
15

16 CALVIN BROADUS AKA “SNOOP
17 DOGG”, individually; DONALD
18 CAMPBELL AKA “BISHOP DON
19 MAGIC JUAN”, individually; GERBER
20 & CO, INC.; THE BROADUS
21 COLLECTION, LLC; CASA VERDE
22 CAPITAL, LLC; MERRY JANE
23 EVENTS, INC.; and SNOOP DOGG,
24 LLC,

25 Defendants.
26
27
28

Case No. 2:22-cv-00900-GW-AS

**DEFENDANT DONALD
CAMPBELL’S NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFF’S
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES**

[Fed. R. Civ. P. 12(b)(6)]

The Hon. George H. Wu

Hearing Date: March 24, 2022
Time: 8:30 a.m.

1 **PLEASE TAKE NOTICE** that on March 24, 2022, at 8:30 a.m., or as soon
2 thereafter as counsel may be heard, Defendant Donald Campbell (“Campbell”),
3 through his counsel, Jesse Gessin, will and hereby does move this Court to dismiss
4 the complaint of Jane Doe (“Plaintiff”) in its entirety for failure to state a claim
5 under Federal Rule of Civil Procedure Rule 12(b)(6).

6 This Motion is made following a conference of counsel per Local Rule 7-3 on
7 February 17, 2022.

8 Campbell brings this Motion because Plaintiff’s federal cause of action under
9 18 U.S.C. § 1595 fails to state a claim for relief against him for the reasons
10 articulated in the Motion to Dismiss filed by Defendant Calvin Broadus (“Broadus”)
11 earlier this week. Campbell joins each of the arguments made by Broadus in his
12 Motion to Dismiss. As for Plaintiff’s state law claims against Campbell, they are
13 time barred under California law.

14 This Motion is based on this Notice and the accompanying Memorandum of
15 Points and Authorities, all pleadings, files, and records in this action, and arguments
16 of counsel.

17
18 Dated: February 24, 2022

GESSIN LTD.

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20 By: /s/ Jesse Gessin

Jesse Gessin

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22 *Counsel for Defendant Donald Campbell*
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Nearly nine years after the alleged incident, Plaintiff Jane Doe filed this lawsuit against Defendant Donald Campbell and the other defendants with its implausible federal cause of action under the Trafficking Victims Protection Act (“TVPA”) and its time barred state claims. Because none of those claims survive Rule 12(b)(6), the Court should grant defendants’ Motions and dismiss each of Plaintiff’s claims.

To state a claim under the TVPA, a plaintiff must allege a defendant knowingly, in interstate commerce, enticed a plaintiff through force, fraud, or fear to engage in a commercial sexual act. 18 U.S.C. § 1591. Plaintiff’s complaint reiterates the formulaic elements of a TVPA claim but alleges virtually no facts in support. The Court should not countenance these conclusory, threadbare allegations against Campbell (or any other defendant). For the reasons set forth in the Motion to Dismiss that co-defendant Calvin Broadus (known as “Snoop Dogg”) filed, Plaintiff’s complaint fails to state a claim under TVPA. Campbell joins each of the arguments made by Broadus in his Motion to Dismiss.

Plaintiff’s remaining state law claims against Campbell should also be dismissed. Under California law, Plaintiff was required to bring her state claims within two years of the alleged conduct. Because she waited nearly nine years to bring those claims, they are time barred.

In sum, the Court should dismiss Plaintiff’s allegations against Campbell for failure to state a claim for relief under federal law and because the state law claims are time barred.

II. BACKGROUND

Plaintiff alleges on May 29, 2013, she and an unidentified friend attended one of Broadus’s shows at a nightclub in Anaheim, California. Compl. ¶ 40. Plaintiff and her friend entered a “VIP room,” where they encountered Campbell. *Id.*

1 Plaintiff claims that Campbell invited her and her friend to Broadus's studio later
2 that night. *Id.* ¶ 42. After visiting the studio, Campbell took Plaintiff to his house.
3 *Id.* ¶ 44. Plaintiff alleges that when she arrived at Campbell's home, she "was
4 exhausted and fell asleep." *Id.* ¶ 44. Plaintiff woke up next to Campbell the next
5 morning, at which time, according to her complaint, he purportedly "shoved his
6 penis into Plaintiff's mouth." *Id.* ¶ 45.

7 That same morning, Campbell purportedly told Plaintiff to get dressed and to
8 come with him to see Broadus. She claims Campbell told her, "I want to see if
9 [Broadus] will make you a weather girl," he "wants you there," and accompanying
10 Campbell that morning "is a career move." *Id.* ¶ 48. The complaint alleges—after
11 what it now claims was Campbell's "sexual assault"—that Plaintiff inexplicably,
12 voluntarily went with Campbell "in hopes of advancing her career." *Id.* ¶ 48.
13 Plaintiff does not explain what "hopes" she had, why she purportedly had them, or
14 anything Broadus said or did to give her any such undefined "hopes."

15 According to the complaint, Plaintiff accompanied Campbell to a recording
16 studio where Broadus was filming a television series. *Id.* ¶ 49. Plaintiff does not
17 allege if that studio was the same one that she claims she visited the night before.
18 Plaintiff claims that while she was at the studio, she needed to use the bathroom;
19 while using the toilet, Broadus entered and purportedly sexually assaulted her when
20 he "removed his penis from his pants" and said, "Put it in your mouth." *Id.* ¶¶ 50-
21 51. Plaintiff does not allege that Broadus made promises, enticements, or threats.
22 *Id.* She does not claim Broadus said anything else—at any time—other than "I'll
23 be back, I'll get you something to clean up with." *Id.* Plaintiff alleges that Broadus
24 did not return. *Id.* ¶ 51. After the alleged bathroom incident, she alleges she
25 wandered the studio, posed for a picture with Broadus and then left the building. *Id.*
26 ¶ 57.

27 Her complaint alleges no further interaction with Campbell and bases her
28 three claims against him on allegations taking place over a twenty-four-hour period,

1 nearly nine years ago. Plaintiff makes sporadic allegations that Campbell and
 2 Broadus were her “superiors” and putative employers and/or that she had a
 3 “common law employment relationship,” but states no allegations of a job offer or
 4 promised job offer and admits no defendant ever hired her. *See, e.g., id.* ¶¶ 58, 59,
 5 65.

6 On February 9, 2022, just four days before Broadus’s Super Bowl Halftime
 7 Show performance, Plaintiff filed her complaint against Broadus, Campbell, and
 8 various business entities. Plaintiff alleges claims against Campbell for: (1) violation
 9 of the Trafficking Victims Protection Act, 18 U.S.C. § 1595; (2) sexual assault; and
 10 (3) sexual battery. *See id.* ¶¶ 79-114.

11 **III. LEGAL STANDARD**

12 “Dismissal under Rule 12(b)(6) is proper when the complaint either (1) lacks
 13 a cognizable legal theory or (2) fails to allege sufficient facts to support a cognizable
 14 legal theory.” *Somers v. Apple, Inc.*, 729 F.3d 953, 959 (9th Cir. 2013). “To survive
 15 a motion to dismiss, a complaint must contain sufficient factual matter . . . to ‘state a
 16 claim for relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
 17 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The Court
 18 must disregard allegations that are legal conclusions, even when disguised as facts.
 19 *See id.* at 681 (“It is the conclusory nature of respondent’s allegations, rather than
 20 their extravagantly fanciful nature, that disentitles them to the presumption of
 21 truth.”). A complaint is insufficient if it offers mere “labels and conclusions” or “a
 22 formulaic recitation of the elements of a cause of action” without more. *Id.* After
 23 disregarding all of the “labels” and conclusory allegations, the Court must then
 24 determine whether, based on the allegations that remain and all reasonable
 25 inferences that may be drawn therefrom, the complaint alleges a plausible claim for
 26 relief. *Id.* at 679. “Determining whether a complaint states a plausible claim for
 27 relief is ‘a context-specific task that requires the reviewing court to draw on its
 28

1 judicial experience and common sense.” *Ebner v. Fresh, Inc.*, 838 F.3d 958, 963
 2 (9th Cir. 2016) (*quoting Iqbal*, 556 U.S. at 679).

3 **IV. ARGUMENT**

4 **A. Plaintiff’s TVPA Claim Fails**

5 For the reasons set forth in Broadus’s Motion to Dismiss, Plaintiff’s
 6 complaint fails to state a claim under the TVPA. Campbell joins each of the
 7 arguments made by Broadus in his Motion to Dismiss.

8 **B. Plaintiff’s State Law Claims Against Campbell Are Time Barred**

9 Plaintiff’s second and third claims for sexual assault and sexual battery are all
 10 based on the conduct she alleges occurred between May 29 and 30, 2013. *See*
 11 Compl. ¶¶ 40-51. Under California Code of Civil Procedure § 340.16, which was
 12 added in 2018 and made effective January 1, 2019, the statute of limitations for a
 13 sexual assault claim filed after January 1, 2019 is ten years. *See generally* Cal.
 14 Code Civ. Proc. § 340.16. Under California law, however, if a claim has already
 15 lapsed under an existing statute of limitations, the claim is not revived by the new
 16 statute of limitations absent an express statement from the California Legislature.
 17 *See Quarry v. Doe I*, 53 Cal. 4th 945, 955 (2012) (“The Legislature has authority to
 18 establish—and to enlarge—limitations periods. As we shall explain, however,
 19 legislative enlargement of a limitations period does not revive lapsed claims in the
 20 absence of express language of revival.”); *Safechuck v. MJJ Prods., Inc.*, 43 Cal.
 21 App. 5th 1094, 1099–100 (2020) (“Lapsed claims will not be considered revived
 22 without express language of revival”). Section 340.16 does not expressly revive
 23 lapsed claims, except for ones involving sexual assaults occurring at a student health
 24 center, a scenario not applicable here. *See* Cal. Code Civ. Proc. § 340.16(c)(1);
 25 *Quarry*, 53 Cal. 4th at 964 (recognizing that language applying certain statutory
 26 amendments to “any action commenced on or after January 1, 1991” was
 27 “insufficient to revive lapsed claims” (emphasis in original; citation omitted)).
 28

Here, Plaintiff alleges the sexual assault and sexual battery took place in May 2013. At the time, the applicable statute of limitations was the two-year statute of limitations for assault and battery in California Code of Civil Procedure 335.1. *See Beaudoin v. Schlachter*, 672 F.App'x 706 (9th Cir. 2016) (case predating enactment of Section 340.16 holding district court properly dismissed sexual assault claim as time-barred under Section 335.1's two-year limitations period); *O'Connor v. Franke*, 2016 WL 10957850, at *3 (C.D. Cal. Sept. 23, 2016) (recognizing Section 335.1 established a two-year statute of limitations for sexual battery); *Villalvaso v. Odwalla, Inc.*, 2011 WL 1585604, at *9 (E.D. Cal. Apr. 25, 2011) (same). Because Plaintiff filed her complaint nearly nine years after the alleged conduct, her sexual assault, and sexual battery claims lapsed in May 2015 under the previously applicable Section 335.1. Section 340.16 does not revive her claims and is therefore inapplicable here.

Because Plaintiff's sexual assault and sexual battery claims are time barred, Campbell requests they be dismissed with prejudice.

V. CONCLUSION

For the reasons stated above, as well as those set forth in Broadus's Motion to Dismiss, Campbell respectfully requests that the Court grant this Motion and dismiss with prejudice each of Plaintiff's claims against him.

Dated: February 24, 2022

GESSIN LTD

By: /s/ Jesse Gessin

Jesse Gessin

Counsel for Defendant Donald Campbell

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action. The Gessin Ltd mailing address is 806 E. Avenida Pico, Suite I-291, San Clemente, CA 92673. On February 24, 2022, I served the foregoing document described as

**DEFENDANT DONALD CAMPBELL'S NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM
OF POINTS AND AUTHORITIES**

on the following-listed attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual notice) by the following means of service:

SERVED BY U.S. MAIL: There are currently no individuals on the list to receive mail notices for this case.

SERVED BY CM/ECF: I certify that, on February 24, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. The filing of the foregoing document will send copies to the following CM/ECF participants:

The following are those who are currently on the list to receive e-mail notices for this case.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on February 24, 2022, at San Clemente, California.

/s/ Jesse Gessin

Jesse Gessin

Counsel for Defendant Donald Campbell