

IN THE CIRCUIT COURT OF THE STATE OF INDIANA  
FOR THE COUNTY OF MARION

NATHANIEL JACKSON, ) Case No. 0610-0546  
)  
Plaintiff, )  
) FIRST AMENDED COMPLAINT  
)  
vs. )  
)  
INDIANA PACERS, JOHN )  
DOE aka "BOOMER", )  
CONSECO FIELDHOUSE, RIK )  
SMITS, RON ARTEST, )  
STEPHEN JACKSON, and JEFF )  
FOSTER, )  
)  
Defendants. )

For his complaint, plaintiff alleges as follows:

I. COMMON ALLEGATIONS

1.

At all material time, plaintiff resided in Adams County, Indiana.

2.

At all material time, defendants, individual and businesses, resided in or were located in Marion County, Indiana.

3.

On March 11<sup>th</sup> 2005, plaintiff attended a basketball game at CONSECO FIELDHOUSE ("Conseco"). Conseco is primary Arena for the home basketball games of defendant Indiana Pacers. On this evening, the Pacers were entertaining the audience with their brand of basketball and welcomed in the Golden State Warriors. Plaintiff was invited down to the court to partake in this entertainment via a free throw shooting contest. Plaintiff was selected randomly from audience members.

4.

Jackson initially declined, because of back surgery he had recently had. Plaintiff is in his mid-20s and otherwise immaculate health and bone structure. However, he was concerned with how the contest would torque his back. The PACERS insisted that he

would be OK in participating and plaintiff reluctantly agreed to participate after discussing his back surgery with Pacers management.

5.

Plaintiff was ridiculed by an unidentified member of the Pacers Dance Team, who accompanied the Pacers official who approached him. Despite being comfortable with his manhood, plaintiff sees this taunting as part of the process that eventually saw him partake in the contest.

6.

Plaintiff performed adequately in the free throw competition. Hitting 6 of his ten free throw attempts, however, was not good enough for plaintiff to collect any prizes. Plaintiff was ok with this and simply wanted to head back to his seat location to enjoy the rest of the energetic brand of basketball being played that evening. The Pacers had broken open the game in the second quarter, leading 60-40 at the intermission session.

7.

Things began to fall apart for Plaintiff as he tried to exit the court. Plaintiff was tackled from behind by the Pacers mascot. The identity of the mascot is not known, however, Plaintiff is aware that the mascot is a six foot tall blue cat with gold whiskers, affectionately or terrifyingly known as BOOMER. Plaintiff has identified BOOMER through a line-up arranged by Marion County police in anticipation of possible charges to be filed in this litigation.

8.

BOOMER tackled Plaintiff to the floor and was approached by a member of the Pacers management who told BOOMER of Plaintiff's surgery. BOOMER got off of plaintiff's back, however, BOOMER walked over to Pacer forward Stephen Jackson. Plaintiff saw them discuss some things and Jackson mouthed the words, "sweep the leg". BOOMER appeared hesitant, but then Jackson told him, "out. of. commission." The mascot then approached Plaintiff and kicked at Plaintiff's legs. Plaintiff was approach by Indiana Pacer guard forward Stephen Jackson. Plaintiff believed that Jackson was going to help him get off of the floor, however, this perception was misguided. Jackson stepped over Plaintiff with a rough stomp and began to talk to a female in the Arena with large breasts. Miffed by this, Plaintiff said, "oh, real cool" in Jackson's direction. Jackson spun his head around, stating to the Plaintiff, "motherfucker, is you on Jeff Foster's court?"

9.

Confused, Plaintiff began to help himself up. Jackson then called over a man that Plaintiff believes to be Jeff Foster. The two Pacers began to taunt Plaintiff about how Jeff Foster was the man "running shit" in the building that night. Plaintiff verifies this account noting

the seventeen rebounds that Foster pulled down on the basketball court that evening, however, does not believe this to be worthy justification for the taunting that followed.

10.

Plaintiff was asked questions from Jackson and Foster such as, “dog, you think you are better than us because you got an Abercrombie shirt and these jerseys ain’t Under Armour?” and “are we having sex with your girlfriend this evening?” After Jackson asked the latter question of Foster, Foster answered in the negative, however, was assured by another Pacer, Jamaal Tinsley, who was in street clothes for this game, that they were indeed going to have sex with Plaintiff’s girlfriend that evening.

11.

Plaintiff pulled himself up from the court and walked past the Pacer players and walked to the back of the Arena. A man stood there with a pit-bull dog. He was wearing a wifebeater t-shirt and had the *word* “tru” shaved into the side of head. Plaintiff would later learn that this was suspended Indiana Pacer forward Ron Artest.

12.

Plaintiff began a conversation with this man. This would turn into a regret later. Plaintiff became terrified when the man’s pit-bull began to bark in his general direction and generally growl in a menacing manner. Plaintiff was assured by Mr. Artest that things would be OK, but Mr. Artest dropped the leash of the pit-bull when a woman approached. Plaintiff did not get the name of this woman, however, Mr. Artest consistently referred to her as “Hoochie”.

13.

With the pit-bull leash no longer being held by Mr. Artest, the pit-bull was free to roam and terrorize Plaintiff. Plaintiff at this moment says that the only thing keeping him from urinating on himself was that he believed the dog to be malnourished. Still, the dog kept growling in Plaintiff’s direction and when Plaintiff attempted to move away, dog prevented him from doing so by biting Plaintiff’s pant leg.

14.

And why did Plaintiff wish to remove himself from the area? Mr. Artest was now brandishing a firearm. Plaintiff is unsure of the type, but reckons from the movies that Mr. Artest had a 9mm pistol. The tone of his voice and the Hoochie were both rising in volume as it was clear to Plaintiff that they were engaged in some sort of dispute. “I tried to purchase you that album, baby,” Plaintiff heard Mr. Artest say. “but I ain’t got the job at Best Buy and shit, so you just gonna have to wait until I get some duckets lined up proper. You act like I’m made of Gold? Gold records soon, baby, but you gotta stop frontin’ on a mothafucka for damn sure.” Then, Plaintiff recalls, Hoochie started yelling.

Plaintiff then saw Mr. Artest raise the pistol as if he were to strike Hoochie with the pistol. He pulled the pistol down, however, he slapped her. Plaintiff was appalled by this action, however Mr. Artest and Hoochie appeared comfortable in their roles.

15.

At this point, Plaintiff was bit by the dog and began to bleed. Plaintiff began to wander the hallways looking for first aid. He ran into two younger gentlemen rolling dice and waving dollar bills around in one of the Hallways. This behavior surprised Plaintiff and he was taken aback when they yelled at his simple question of where he could find some first aid. Plaintiff was surprised at the sort of environment created by the Indiana Pacers and Conseco Fieldhouse.

16.

Plaintiff finally found the first aid station. Not really. Plaintiff found Jamaal Tinsley, Stephen Jackson and former Pacer and Dutch man Rik Smits standing in a hallway. However, Plaintiff was told they had ice and bandaids. Really, all that they had were malt liquor 40 ouncers and “witty” remarks about how Plaintiff needed to man up.

17.

Plaintiff asked Smits why he was doing this. Smits slapped Plaintiff in the face and asked Plaintiff to tell him what he was famous for. Plaintiff said that Smits was famous for being a “Dunking Dutchman” and Smits slapped Plaintiff in the face. Jackson and Tinsley shared a laughed and Jackson remarked “slappin’ bitches is what he famous for. We the Pacers dooooooog.”

18.

At this point, the only thing keeping Plaintiff from tears was the thought that filled his head: that the Pacers were a bunch of thugs.

19.

Plaintiff finally left the building and on his way out was splashed with water from a puddle driven over by Pacers head coach Rick Carlisle. Plaintiff turned around and realized that Artest, Jackson, Tinsley and Smits were laughing at him. At this point, BOOMER, the mascot re-emerged on the scene.

20.

BOOMER approached Plaintiff and shoved him into the puddle. BOOMER then walked over to Jackson and said “where the whistle at?” to which Jackson responded “nah dog, we don’t need to escalate this”. Plaintiff noticed Tinsley giving Jackson a glare of disbelief and both men then began to laugh hysterically. Jackson then said, “yo, Smits,

where the hammer at? Break this cat off with some of that Pacer firepower, woadie.” (Plaintiff is unsure of the spelling of the last word that Jackson said, pronounced, woooah-day.) Plaintiff then noticed Smits hand BOOMER what appeared to be an AK-47. Plaintiff is unsure of type, just knows it was big and could kill him.

21.

At this point, a father and son left the game and Plaintiff assumed the Pacers would back off. Instead, Tinsley grabbed the child. Mr. Artest asked him what he was doing. “Hostage, dog”, Artest nodded approval. Tinsley then said to the kid, “look, it gonna be cool, we gon’ get through dis. We gon’ need you to be cool. BE COOL. And do not try da funny business, cuz we aint a hesitate on pop pop with the weapons. Need a pizza?”

22.

Plaintiff at this point feared for his life. Suddenly, scantily clad women appeared on the scene. Plaintiff sat there and watched as BOOMER and the Pacers completely forgot about him and began to objective these women. Plaintiff watched as champagne bottles came seemingly out of nowhere. Tops were popped and bubbly sprayed on these women. Smits handed Tinsley a garbage bag and Tinsley began removing the contents – one dollar bills – and began to toss the bills in the air. Ron Artest began to scream like a child about how Tinsley was making it rain. Plaintiff sat there and counted as three women found themselves slapped within five minutes...Plaintiff was shocked that these women gleefully still wanted to have sex with these men. Plaintiff noticed that the women began to pick up the bills, however, fresh on the scene Jeff Foster was there to collect the dollar bills and Jackson was there to slap any woman who attempted to sneak a bill into her pocket. Plaintiff noted that mascot BOOMER attracted the largest number of females and that Tinsley remarked, “he good wit dem hoes because when he slap ‘em his hand be soft. Gentle but still put dat hoe on da floor. Holla!”

23.

Plaintiff left while the Pacers were pre-occupied. As he left, he heard a few gun shots. Plaintiff ducked behind a car, then realized that it was simply Stephen Jackson firing at the feet of the women. Plaintiff heard Jackson remark, “that grindin’ on each other shit ain’t dancin’! get your jig on woman!”

24.

Plaintiff was still emotionally scarred, despite the newfound knowledge that one can escape any dire situation with the Pacers by bringing by a group of scantily clad women that would throw self-respect straight out of the window.

## **II. FIRST CLAIM FOR RELIEF: Negligence**

25.

Plaintiff re-affirms paragraphs 1 through 24 above.

26.

Defendants Conseco Fieldhouse, Indiana Pacers and BOOMER were negligent in allowing BOOMER to tackle plaintiff and allowing him to participate in the event at the basketball game.

27.

Plaintiff has suffered medical expenses, lost job income, pain from injuries to his back, and other “permanent injuries.” Plaintiff has been damaged in the amount of \$75,000.

**III. SECOND CLAIM FOR RELIEF: Intentional Infliction of Emotional Distress**

28.

Plaintiff re-affirms paragraphs 1 through 24 above.

29.

Defendants Tinsley, Smits, Jackson, Artest and BOOMER intended to and did inflict severe mental or emotional distress upon plaintiff.

30.

The respective actions of Defendants Tinsley, Smits, Jackson, Artest and BOOMER have caused plaintiff real and harmful emotional reactions. Plaintiff can not rest at night. Plaintiff suffered from fright, horror, humiliation, embarrassment, worry, nightmares, cold sweats, shivers, quaking, trepidity, panic, dread, agitation, confusion, consternation, hysteria, depression, terror, and strife. Plaintiff had been damaged to the amount of \$1,300,000.

31.

Plaintiff intends to amend to add a claim for punitive damages.

WHEREFORE, plaintiff prays for judgment in his favor and against defendants as follows:

- (1) For plaintiff on each of his claims; and damages in the sum of \$1,375,000;
- (2) Award plaintiff costs and expenses;
- (3) Award such other and further relief as the court deems just and proper.

Dated this 9<sup>th</sup> day of March, 2007.