

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT, IN AND
FOR MIAMI-DADE COUNTY,
FLORIDA

11-096216A24

CASE NO:

JANE DOE,

Plaintiff,

vs.

NIKKI BEACH HOLDINGS, LLC;
NIKKI BEACH HOTELS AND RESORTS,
LLC; NIKKI VIP, LLC; PENROD
MANAGEMENT GROUP,
INC.; PENROD MANAGEMENT
INTERNATIONAL, LLC; and MICHAEL
PENROD,

Defendants.

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COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

The Plaintiff, identified herein as Jane Doe to protect her identity, sues the Defendants Nikki Beach Holdings, LLC; Nikki Beach Hotels and Resorts, LLC; Nikki VIP, LLC; Penrod Management Group, Inc., Penrod Management International, LLC, and Michael Penrod and alleges:

JURISDICTIONAL STATEMENT AND IDENTIFICATION OF PARTIES

1. This is an action for damages in excess of the minimum jurisdictional limits of this Court, exclusive of interest and costs.
2. Jane Doe, is *sui juris* and a resident of Puerto Rico. At the time of the torts complained of herein, she was a resident of Miami-Dade County.
3. Defendants Nikki Beach Hotels and Resorts, LLC; Nikki Beach Hotels and Resorts, LLC; Nikki VIP, LLC; Penrod Management Group, Inc., and Penrod Management

International, LLC (collectively referred to herein as “Nikki Beach”) are Florida corporations with overlapping managers and members/officers, and overlapping principal, mailing and registered agent addresses at 2800 Biscayne Boulevard, Suite 600, Miami Florida, and One Ocean Drive, Miami Beach, Florida:

4. Defendant Michael Penrod is and at all times relevant hereto was a resident of Miami-Dade County.

5. Venue is proper in Miami-Dade County, Florida where torts that are the subject of this Complaint occurred.

FACTS GIVING RISE TO CAUSE OF ACTION

6. Nikki Beach, through the various defendant corporations, operates hotels and nightclubs at beachside locations. Its marketing and business plans rely on the allure of sex. According to its website:

Nikki Beach is the ultimate beach club concept that brings dining, fashion, music and entertainment together earning itself, as quoted by the London Observer, the undisputed reputation as being the “The Sexiest Place on Earth”.

<http://nikkibeach.com/about.php>.

6. At all times relevant hereto, Nikki Beach engaged in the practice of hiring attractive young women, usually as models, arranging for situations in which potential business partners and officials it wished to influence would be in the company of these young attractive women, encouraging the consumption of alcohol and narcotics and providing the same, and thereby providing opportunities for potential business partners and officials whose approval they sought to sexually assault these women. Nikki Beach knew or should have known that these practices created the danger of sexual assault of its employees.

7. Nikki Beach would arrange for travel and accommodations for such young women from Miami-Dade County, sending them to foreign locations where it wished to open Nikki Beach branded hotels and clubs. These isolated locales enhanced the opportunity for sexual assault against the visiting young women.

8. Jane Doe was not one of the models that Nikki Beach hired to entertain prospective business partners. Her responsibilities included consulting on the design and décor of Nikki Beach venues and Nikki Beach opening events, as well as structuring a “VIP” program for the company’s customers. She was, however, young and attractive.

9. Nikki Beach also placed young women under the charge of individuals that were known to have substance abuse problems and to encourage reckless drug and alcohol abuse. These individuals were rewarded for supplying young women in altered states in which the females could be victimized by potential business partners and officials, as well as customers. Nikki Beach failed to properly supervise these management employees.

10. In or around 2007 and 2008, Nikki Beach sought to establish a hotel in the Turks and Caicos Islands (“TCI”).

11. For that purpose, it established a relationship with Michael Misick. Misick was the Premier of TCI from August 9, 2006 to March 23, 2009.

12. TCI is a “British Overseas Territory”, *i.e.* a territory under the sovereignty of the United Kingdom of Great Britain and Northern Island. It is presided over by a Governor who is a representative of the British Crown appointed on advice of the British government. Until recently, the Governor appointed a TCI local as Premier.

13. During his tenure as Premier, Misick engaged in extensive corruption. He

operated as though he were above the law. In 2008, a Foreign Affairs Select Committee of British Members of Parliament issued a report charging Misick with enriching himself and fellow ministers by selling off Crown land. Because of Misick's corruption, the United Kingdom resumed administrative control of TCI and the position of Premier was abolished.

14. Misick was also a well-known womanizer.

15. At all times relevant hereto, Nikki Beach was aware that Misick was corrupt, that he engaged in criminal activity, and that he engaged in lascivious behavior. It sought to gain favor with him by presenting him with attractive young women in settings in which he could take advantage of them.

16. On or about March 25, 2008, Nikki Beach sent Jane Doe to TCI where it was opening a new venue. Nikki Beach management in Miami-Dade County arranged all aspects of travel and accommodations for Jane Doe for the trip to TCI. Nikki Beach placed a high-ranking executive, Michael Penrod ("Penrod"), in charge of the trip to TCI.

17. On or about March 27, 2008, Penrod instructed Jane Doe that her presence was required at a social function. Jane Doe did not wish to attend. She was on the island, she thought, to perform legitimate tasks for the company related to its opening of a new venue. However, she was required to attend by Penrod, acting on behalf of Nikki Beach. In addition to requiring her presence there, Penrod arranged for the transport of Jane Doe.

18. Jane Doe did not know where the function was. She assumed it was at a restaurant or other public venue. However, she was transported to the home of Misick. She was informed that the vehicle was stopping at a house to pick someone up, and was invited inside.

19. At the house, which was the home of Misick, Jane Doe was given wine that,

unknown to her, was infused with a narcotic.

20. After she was in an altered state, her supervisor, who was present and was aware or should have been aware of the risk that Misick would assault her, knowingly and purposely abandoned her at the home of Misick in that altered state.

21. In fact, Penrod and Nikki Beach regularly transported young, attractive women into such dangerous settings in order to improperly curry favor to the benefit of Nikki Beach.

22. Nikki Beach intentionally transported Jane Doe from Miami-Dade County to a dangerous setting, with foreseeable and known dangers, and abandoned her there. Nikki Beach did this despite a duty to protect its employees, including Jane Doe from dangers while carrying out their duties as Nikki Beach employees.

23. In the morning of March 28, 2008, Misick raped Jane Doe.

24. Jane Doe later that morning returned to the hotel where she was staying. Another co-worker told Jane Doe that he believed her life to be in danger due to the power that Misick exercised on the island, and immediately arranged for her to be on the next flight to South Florida.

25. Immediately upon her arrival, she was taken to Aventura Hospital, which referred her to the Roxcy Bolton Rape Treatment Center at Jackson Memorial Hospital.

26. Medical examination confirmed she had injuries consistent with being raped.

27. When she arrived in South Florida, her corporate e-mail account had been shut off, signaling her termination by Nikki Beach.

28. Penrod and Nikki Beach spread the story that she had been fired for misconduct.

COUNT I
NEGLIGENT SECURITY

29. Plaintiff adopts and realleges paragraphs 1 through 28 and further alleges:

30. Defendants undertook to take young women into international travel from Florida without providing adequately for their security.

31. Defendants owed a duty to not put women in harm's way, and in particular to ensure that it did not place women in a position where they might be vulnerable to sexual assault.

32. Defendants breached that duty as related herein.

33. Defendants' failure was the proximate cause of injury to Jane Doe.

COUNT II
ENDANGERMENT AGAINST ALL DEFENDANTS

34. Plaintiff adopts and realleges paragraphs 1 through 28 and further alleges:

35. Defendants took young women, including plaintiff, from Miami-Dade County to dangerous international locales where it intentionally and recklessly put them in a position of danger of sexual assault for the purpose of currying favor with business partners and officials.

36. Defendants intentionally or recklessly caused the injuries suffered by Plaintiff by transporting her to a corrupt island, transporting her to the house of this island's corrupt political Premier and requiring her presence there, and leaving her in the presence of a known womanizer who was known to operate above the law and would therefore likely sexually assault her.

37. Defendants engaged in this activity to curry favor from Misick.

38. Defendants should have reasonably foreseen that their actions would cause Jane Doe being sexually assaulted by Misick.

39. Defendants' actions were in breach of a duty owed to her and directly caused the injuries suffered by Jane Doe.

COUNT III
NEGLIGENT SUPERVISION AGAINST NIKKI BEACH

40. The Plaintiff adopts and realleges paragraphs 1 through 28 and further alleges:

41. Nikki Beach hired supervising male employees with a known penchant for drug and alcohol abuse, and put them in positions of authority over young female employees.

42. Nikki Beach would allow these management employees to encourage sexual encounters or inappropriate behavior between young female employees and business partners, officials and customers, and then turn and dismiss the female employees for the behavior, while encouraging the supervisors to repeat the pattern. Nikki Beach would allow these management employees to purposely endanger their young female staff.

43. Nikki Beach failed to adequately supervise management employees, including the superior of Jane Doe, Michael Penrod.

COUNT IV
NEGLIGENT HIRING AGAINST NIKKI BEACH

44. The Plaintiff adopts and realleges paragraphs 1 through 28 and further alleges:

45. Nikki Beach negligently supervised its employees, including but not limited to Michael Penrod.

46. Michael Penrod was unfit for his position in that he engaged in illicit drug use and habitually placed young women in dangerous situations. Nikki Beach was aware or should have been aware of Michael Penrod's unfitness.

47. Nikki Beach owed a duty to Jane Doe to protect her from harm that Michael Penrod would inflict upon her by placing her in dangerous situations or by intentionally drugging her. In taking her first to TCI and then to the home of Michael Misick, Nikki Beach assumed a

heightened position of responsibility for the well-being of Jane Doe.

48. Nikki Beach failed to investigate, discharge or reassign Michael Penrod, or properly supervise his actions on business trips.

49. Nikki Beach's failure was the proximate cause of Jane Doe's injury.

50. Jane Doe suffered physical injuries as a result of Nikki Beach's failure to properly supervise Michael Penrod, as described herein.

COUNT V
DEFAMATION AGAINST ALL DEFENDANTS

51. The Plaintiff adopts and realleges paragraphs 1 through 28 and further alleges:

52. After the rape of Jane Doe, Michael Penrod, acting individually and as agent of Nikki Beach, knowingly published false and derogatory statements to third parties in Miami-Dade County and elsewhere on numerous occasions, that Jane Doe had engaged in drug use, had consensual sex and sexual behavior with Michael Misick, a married man, and his paramour, in the view of others. These statements harmed Jane Doe in her personal and professional reputation.

53. Michael Penrod, acting individually and as agent of Nikki Beach, knowingly made the false and derogatory statements with malice, in order to harm her reputation and deflect criticism from their own actions.

54. Plaintiff has been harmed in her reputation by the false accusations.

CLAIMS FOR DAMAGES COMMON TO ALL COUNTS

As a direct and proximate result of the conduct of Defendants, the Plaintiff has suffered and will continue to suffer symptoms and injuries including, but not limited to physical injuries

and severe mental distress. She has also been unable to consistently work in her field and her earning capacity has been impaired.

WHEREFORE, the Plaintiff claims damages against the Defendants in an amount in excess of the jurisdictional limits of this Court exclusive of interest and costs:

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury on all issues triable as of right by a jury.

Dated this 28th day of March, 2011.

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