

EXHIBIT F
Affidavit and Summons (Small Claims),
***Greer v. Grande et al.*, Case No.**
178400268 (Salt Lake City Justice Ct.)

FILED

MAY 26 2017

Salt Lake City Justice Court

Russell Greer
 Name

 Address

 Salt Lake City, Utah 84115
 City, State, Zip

 Phone

 Email

I am the Plaintiff
 Attorney for the Plaintiff and my Utah Bar number is _____

In the Justice Court of Utah

_____ 3rd _____ Judicial District _____ Salt Lake _____ County

Court Address _____ 333 South 200 East, Salt Lake City, Utah 84111 _____

Russell Greer
 Plaintiff

 v.
 Ariana Grande
 Defendant

 And
 Scooter Braun
 Defendant

Affidavit and Summons
(Small Claims)

178400268
Case Number

Pro Tem
Judge

I swear that the following is true.

(1) Defendant owes me \$ 7,400.00 for the claim described in paragraph (2).
 plus the filing fee of \$ 100.00
 plus an estimated service fee of \$ _____
 plus estimated attorney fees of \$ _____
 for a total of: \$ 7,500.00

(Attach statute or contract showing you are authorized to claim attorney fees.)

plus prejudgment interest, if qualified for prejudgment interest.

SLC Justice Court
 Rept# 7578214
 IC 178400268 Card
 \$100.00 5/26/2017

FACTS OF THE CASE:

1. Plaintiff Russell Greer is a 26-year-old paralegal graduate who lives and works in Salt Lake City, Utah. Greer's face is paralyzed. He lives with an abnormal and rare disability termed, "Moebius Syndrome". He can't close his lips and he can't move his eyes sideways. His disability has made his life very hard socially and physically. This fact is important because it plays into the entire cause of action.
2. Defendant Ariana Grande is a world-famous musician/model/actress. She is 23 and has been nominated for a Grammy. She tours the world performing. She resides in California.
3. Greer is a fan of Grande and has liked her music since she "broke out" into the entertainment business in 2014.
4. Greer, a songwriter himself, dreamt of writing music for Grande. In fact, during the summer of 2016, Greer produced an original song with a Grammy winner with the hopes of Grande doing the song. But he had no way of giving it to her or getting her attention.
5. In January of 2017, Grande posted on her Facebook VIP backstage tickets to her shows. One show was listed to be in Salt Lake City on March 21st. It was described as "the Ultimate backstage dream experience" and how fans would be able to meet Ariana Grande. The backstage pass alone was 500.00.
6. Greer, realizing that this was his chance of meeting Ariana and giving her his song, bought the ticket. By buying the tickets, Greer missed other events that he had planned on going to.
7. The concert ticket to the show cost an additional 300.00. Greer bought the ticket close to the stage so that he could see Ariana better.

8. Greer spent two months preparing to stand out for Ariana Grande: he got his suit dry cleaned; he bought new dress shoes; he got his hair cut for her and bought beard balm. He also spent those two months working on a comic book-like pitch that included his life story and why she should do his music. It was a very long tedious process, but he did it because he had paid to be VIP and figured that was his best way to give it to her.
9. Greer also emailed her managers letting them know that he was coming and he also explained his disability to them so that they could be aware of his disability. He said that he was nervous how he thought she would react to his disability, based upon not so good experiences with people judging him.
10. March 21st finally came and Greer texted the tour host, Ariel (whose information was provided on the itinerary). She responded to him and said that he could give the flowers and books to Ariana's assistant, as no gifts would be permitted directly backstage for security reasons and that they would be left in her dressing room.
11. Greer arrived at the Vivint Home Arena in downtown by Uber around 4:30 PM.
12. Once Greer arrived to the event, he became disoriented and could not find where the Meet and Greet was. He tried getting assistance, but he was treated very wrongly by people working at the event. They gave him cold, dumb looks.
13. Finally, he had somebody help him show him where the Meet and Greet was preparing to go. Greer stood at the back of the line of a group of around 100 people who were to meet Ariana. The assistant came around and asked for gifts to give to Ariana so he could take them. Greer could only see three people give small, handwritten notes. Nothing elaborate like he did. But he knew she would get it because the assistant said that it would be given to her.

14. When Greer reached the ticket table to show his name on the list, there was more confusion. It was a very cluttered, unorganized system. Greer discovered that with his backstage pass, he had to show his ticket, which the ticket site said that the VIP would have. The assistants got angry with Greer and frustrated because of his disability. Greer remained very calm. The assistants did not get mad at anybody else who had the same confusion.
15. After some hassling and phone calls, Greer finally got through, only for security to stare at him and say to their partners, "Is he drunk?"
16. Greer finally got to the Q/A event. He was seated in the third row from the stage. At a certain point, Ariana and her dancers came out. There were about six dancers. All male. They sat on the edge of the stage, looking at the VIP fans. Ariana had her chihuahua with her.
17. The dancers and Ariana took questions from cards that people had written questions to.
18. Greer was seated at the end of the far-right row so he could clearly see Ariana, and her dancers and her could clearly see him.
19. Fans would randomly stand up and say, "I love you, Ariana" and she would reciprocate their kindness.
20. The guards stood feet away from Greer, staring at him and debating in ear-shot range if he was "dumb" or "drunk". They were laughing. Greer began to sweat, he felt so nervous. He felt physically unsafe because he was afraid they would try apprehending him for appearing to be a certain way when in all actuality, Greer was sober. As a side note, Greer doesn't drink. He has only ever consumed an alcoholic beverage once and that was at a social event.

21. One of the dancers mentioned Greer's suit. Greer nodded, but couldn't say anything due to fear of being attacked.
22. Greer wanted to ask Ariana how he could be a songwriter for her, but he felt physically threatened by her guards and he felt intimidated by her. He felt broken inside because this was part of the reason he invested in the experience, so that he could interact with Ariana personally. He felt like saying something, but he couldn't. All was ruined. His enjoyment was ruined.
23. The fans were then taken to a dinner room where light refreshments were served. Greer didn't eat anything because it is hard for him to eat around people. Greer sat a table and drank soda. Greer was shaken by the experience at the Q/A event. At the table, Greer overheard people talking about his disability. He would look up and nod at the people, to be friendly.
24. One of Ariana's photographers went around the room taking photos of fans. When they reached Greer, they passed by him because the photographer said, in reference to Greer, "he's slow", as in reference to being mentally handicapped.
25. Finally, it was announced that the fans would be meeting Ariana. The fans followed the assistants.
26. Before entering the room to meet Ariana, everyone had to put their phones into envelopes and were given numbers with their envelopes.
27. They then went through security. Greer had his number in his hand and the guard began screaming at Greer and told him to put the number in his pocket. Greer obliged. The guard said to his other guards, "Damn, I think he really is dumb."

28. As he was waiting to meet Ariana, Greer overheard her complimenting the fans before him. She said to one fan, "You look really handsome." Greer was sure Ariana would like his suit.
29. Greer then entered a tent to meet Ariana. He was so nervous. He gazed upon her upon entering the tent. Grande looked really beautiful. Greer said, "Hi, Ariana". Ariana looked at him with an odd look. She said, "Hi" very unfriendly. Greer figured that maybe she was tired so he tried having more conversation with her. "By the way," Greer said. "I'm the guy who got you the flowers." Ariana just stood and stared at Greer's disability. It was very awkward, uncomfortable and very hurtful.
30. They took a picture together and Greer put his arm around Ariana, but she barely touched him. The camera flashed and then Greer looked at Ariana. She looked disgusted at him. Greer was crushed. Greer slowly walked out of the tent. Ariana gave him a cold hard stare.
31. Greer was in tears as he left the event and prepared to go the concert. He didn't know if he wanted to stay for the show. He went anyways.
32. Greer took his spot which was next to the stage which allowed Greer to lean on the security fencing, which is what others did.
33. After a few opening acts performed, Ariana came out.
34. She walked by and looked at Greer several times and ignored him, but she was very passionate and caring to other fans. Greer was very dignified, as others around him jumped like animals.

35. At a certain point, as Greer was filming, a security guard came and physically assaulted Greer. He shoved Greer and then grabbed Greer. "Where is your seat!!?" the guard screamed at him. Greer almost dropped and broke his phone.
36. "Here!" Greer said back, as it was really loud.
37. The guard didn't believe him. Finally, another guard had to assure the assaulting guard that this was indeed Greer's spot. It was evident that the guard did this because of Greer's disability.
38. The guard didn't do this to anybody else. The guard hurt Greer's shoulder. Greer's shoulder hurt for a few weeks after the concert.
39. After that night, Greer tried making the most out of a bad situation. He thought that maybe Ariana was tired and tried to forgive the guards that physically hurt and verbally hurt him.
40. But weeks went by and Ariana never mentioned or said anything about the hard work he put into giving her. She had posted other fans' stuff before on her social media.
41. Greer was heartbroken. He told his family and friends about how Ariana never got back to him. They said they were so sorry for him because they knew how much he worked to do that.
42. On April 11th, Greer emailed her managers at Untitled Entertainment and told them how hurt he was. Instead of being mad, he wrote a letter to Ariana to explain his disability.
43. The manager's assistant, Jacob, emailed Greer back and said that they no longer represented Ariana, but they gave her new manager's email to him.
44. Greer emailed her new manager, Scooter Braun.

45. A month went by and Greer heard nothing. He was appalled. There wasn't any concern that this had happened at her show.
46. After trying to make the best out of a bad situation, Greer decided that the loss he had suffered needed to be compensated. The night of March 21st kept haunting Greer. And the fact that Ariana's managers didn't even care, and that she had acted coldly to him, proved harm in their failure to allow equal enjoyment at her show.

SUMMARY OF COMPLAINT

47. Ariana Grande violated *Utah Code 62A-5b-103(3)* which states: "A person with a disability has ***equal rights to accommodations, advantages***, and facilities offered by hotels, motels, lodges, and all other places of public accommodation in this state, and ***to places of amusement*** or resort to which the public is invited." The key words of that statute that apply to this case are bolded.
48. Ariana Grande posted on her Face Book the links to her backstage Meet and Greet, thus inviting the public, or more narrowly, her fans to buy 500.00 backstage tickets to Meet and Greet her for the "ultimate experience". The description made it sound like a non-judgmental, fun event.
49. Surely, Ariana should have been aware that by inviting members of the public, there would be those with rare disabilities and deformities. While accommodations are most certainly provided in public places for those bound to wheelchairs, there were no obvious set policies laid out by Ariana or even any set rules for her about any "no judging" policies. Her lack of having any sort of no judging policies, ruined the entire experience for Greer.

50. Furthermore, since her management was made aware of Greer coming and his disability a month in advance, she is held liable for their failure to pass on information or for any memos to be made for their not to be any wrongful assaults against Greer and to be aware of his situation.

NEGLIGENCE

51. To establish negligence, the "plaintiff must establish four essential elements (1) that the defendant owed the plaintiff a duty, (2) that the defendant breached that duty, (3) that the breach of duty was the proximate cause of the plaintiff's injury, and (4) that the plaintiff in fact suffered injuries or damages." *Hunsaker v. State*, 870 P.2d 893, 897 (Utah 1993) (citations omitted)." *Webb v. University of Utah* (Utah 2005). "Duty arises out of the relationship between the parties and imposes a legal obligation on one party for the benefit of the other party." *Delbridge v. Maricopa County* (Arizona 1994). A duty can exist in general, based on affirmative acts of a defendant or they can be acts of omissions found in "special relationships": common carrier to its passenger, innkeeper and guest, landowner and invitees to his land, and one who takes custody of another. "These relationships generally arise when one assumes responsibility for another's safety or deprives another of his or her normal opportunities for self-protection." *Beach v. University of Utah* (Utah 1986). Since Ariana Grande's name was on the venue for that night, she was liable for all of the conduct that happened that night. A special relationship was formed by Greer purchasing that backstage pass. Grande assumed any risk, through managers, assistants, guards, by having her name headline the show and booking the venue of the Vivint Home Arena.

52. Grande's breach of duty occurred by failing to implement any obvious policies towards ensuring equal treatment for the handicapped. For instance, if one looks at Target with a policy of allowing one to use the restroom of one's choice, they have a policy that allows LGBT to choose the restroom of their choice without hassle. The same is seen with the gym Planet Fitness. Planet Fitness has a "Do Not Judge" policy which the gym staff abide by and do not judge patrons. This was seen locally in Salt Lake with the manager of the local Planet Fitness giving free memberships to homeless people and her citing Planet Fitness's policy of not judging. With a super star like Grande inviting the public to pay to meet her, it is boggling that Grande would not have a rule in place like this. Her treatment of Greer further exemplifies that there was not a policy in place for the handicapped to not be judged which thus robbed Greer of "equal rights" found under the code.
53. The term "equal rights" is vague. Therefore, it can be construed that "equal rights" can pertain to not feeling intimidated or harassed for having a disability, the same privilege that non-disabled people had; the same rights of having the headliner, Ariana Grande, not judge and disability shame, as meeting her was the entire point of backstage experience and spending all of that money.
54. Grande's lack of implementing any policies or anything to have prevented staff from harassing Greer and robbing him of his equal enjoyment is the proximate cause for this entire cause of action.
55. Because of the experiences of that night, Greer's night out was diminished. He did not get what he paid for. He did not get the "ultimate experience". Furthermore, he is left emotionally hurt from the events. His shoulder hurt for a few weeks after the guard grabbed him.

56. Additionally, Grande is liable under vicarious liability, as her agents were made aware a month in advance that Greer was coming.

RESPONDEAT SUPERIOR

57. Grande is the principal to her manager Scooter Braun. *"An agency relationship is created when one party consents to have another act on its behalf, with the principal controlling and directing the acts of the agent."* *Sears Mortgage Corp. v. Rose*, 134 N.J. 326, 634 A.2d 74, 79 (1993) (citing *Arcell v. Ashland Chem. Co.*, 152 N.J. Super. 471, 378 A.2d 53, 65 (Law Div. 1977); 2A C.J.S. Agency § 37 (1972); Restatement (Second) of Agency § 1 (1958)). Grande uses her manager to help her find work; secure performances; act as the communication point for inquiries; the usual job description of a talent manager while Grande decides all end results. This creates a master-servant relationship and thus Grande is liable for their conduct.

58. Plaintiff sues under *Respondeat superior* because it "reflects the likelihood that an employer will be more likely to satisfy a judgment" than an employee and is in a better position to "insure against liability encompassing the consequences of all employees' actions."

RESTATEMENT (THIRD) OF AGENCY § 2.04 cmt. b (AM. LAW INST. 2006).

Second, *respondeat superior* is also aimed at deterrence. It "creates an incentive for principals to choose employees and structure work within the organization so as to reduce the incidence of tortious conduct." *Id.* "This incentive may reduce the incidence of tortious conduct more effectively than doctrines that impose liability solely on an individual tortfeasor." *Id.* Greer hopes that after this lawsuit, that Grande will make her concerts more disability friendly.

59. Under the *Birkner Test*, the principal is held liable for the actions of the agent if: (1) "an employee's conduct [is] of the general kind the employee is employed to perform"; (2) "the employee's conduct must occur within the hours of the employee's work and the ordinary spatial

boundaries of the employment””; and (3) ““the employee’s conduct must be motivated, at least in part, by the purpose of serving the employer’s interest.”” *Birkner v. Salt Lake County* (Utah 1989). All three of the steps of the test can be proven with the incident at hand. (1) Braun was retained to pass along important messages such as somebody coming to the show and to let everybody know about his disability (2) Braun never even returned Greer’s messages (3) Braun’s failure to pass along communication to Grande and others resulted in harm to Greer’s equal enjoyment. Braun was extremely negligent, as was Grande’s entire staff to even recognize that Greer was not drunk; that Greer was not a threat because of how he looked. Greer felt incredibly scared for his life at the event, all because of how he looked.

60. Grande is also liable for the guard that assaulted Greer and liable for the guards that made Greer feel threatened.

61. Greer noticed that another person with a disability was there: a girl who was being sponsored by the Make-A-Wish foundation. She was wheel-chaired around and allowed to use the elevator. Grande’s management team obviously knew and planned for this girl to be there. They obviously did not take into account for Greer being there. Grande is liable, as ingrained in Utah case law, for the conduct of her managers.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

62. Reckless infliction of emotional distress was inflicted on Greer. IIED has four elements that must be proven in Utah courts: (i) the [defendant's] conduct [complained of] was outrageous and intolerable in that it offended . . . generally accepted standards of decency and morality; (ii) [the defendant] intended to cause, or acted in reckless disregard of the likelihood of causing, emotional distress; (iii) [the plaintiff] suffered severe emotional distress; and (iv) [the

defendant's] conduct proximately caused [the] emotional distress. *Prince v. Bear River Mut. Ins. Co.* (Utah 2002). Any reasonable person would agree that the way Greer was treated at the concert would offend general accepted community practices.

63. Greer has suffered severe anxiety, depression, weight gain, restlessness, insomnia, self-esteem issues, feelings of ugliness, feelings of hopelessness, feelings of being defrauded. He wanted somebody he admired to accept him and possibly him get into the entertainment business. That fact aside, Greer just wanted the same enjoyable evening as everybody else. The feeling of discrimination stings like a bee.

EGGSHELL SKULL PLAINTIFF

64. While this distress may seem minor to some, Greer is an “eggshell skull plaintiff” and therefore any injuries inflicted upon him are aggravated by pre-existing ailments e.g. depression, anxiety, and a disability. *Lancaster v. Norfolk and Western Railway Company* (1985). Grande’s defenses are futile as she is required to take the plaintiff as she finds him, as are her agents. *Id.* The “eggshell skull rule always prevails” in tort cases. *Avita v. Metropolitan Club of Chicago Inc.* (7th Circuit of United States Court of App. 1995).

NEGLIGENCE PER SE

65. In addition, Grande is liable because a statute protecting disabled persons was violated by her and the people under her. While the statute only has criminal penalties, the statute implicitly gives rises for a private cause of action based upon the often used four factor test:

1. Plaintiff is a member of a class whose benefit the statute was enacted.
2. Legislative intent created a private right to sue under the statute.
3. Allowing this cause of action is consistent with the legislative intent.

4. There is no explicit wording that a state administrative agency handles any violations of statute.

PRAYER FOR RELIEF

66. With all of the facts stated with supporting case law, it is hoped that Plaintiff can recover the amount asked for in damages which Greer totals to be around two thousand dollars. Since he is able to prove actual damages, Plaintiff should also be awarded punitive damages, per *Utah Code 78-18-1*, which would bring the amount asked for up to \$7,500.00 which would serve as a reasonable deterrent to Ariana to fix the way disabled people are treated at her concerts and be a hefty reminder for her to treat all fans the same.

67. Put simply: Greer does not feel that he was treated the same as the other fans. The fact that Grande or her managers won't even apologize for the incident really concerns Greer after writing them several letters. Greer was not given the "ultimate backstage experience". He was in fear for his physical safety and he was verbally and physically assaulted. Under the law, his rights were diminished. Greer just seeks for the recovery of that money and for punitive damages to be set to avoid this from happening with anybody else. *Utah Code 78A-8-102(1)(a)*.

Attendance. You must attend. If you do not attend, the relief requested might be granted. You have the right to be represented by a lawyer.

Asistencia. *Presentarse es obligatorio. Si usted no llegara a presentarse, el remedio solicitado podría ser otorgado. Usted tiene el derecho de que lo represente un abogado.*

Evidence. Bring with you any evidence that you want the court to consider.

Pruebas. *Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.*

Interpretation. If you do not speak or understand English, contact court staff at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. *Si usted no habla ni entiende el Inglés contacte al personal del tribunal por lo menos 3 días antes de la audiencia y le proveerán un intérprete.*

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact court staff at least 3 days before the hearing.

Atención en caso de incapacidades. *Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al personal del tribunal por lo menos 3 días antes de la audiencia.*

Right to Jury Trial. If you want to have a jury trial in this case, you must file documents to remove the case to district court. See the Small Claims web page for information about that process, and forms: <https://www.utcourts.gov/howto/smallclaims/>.

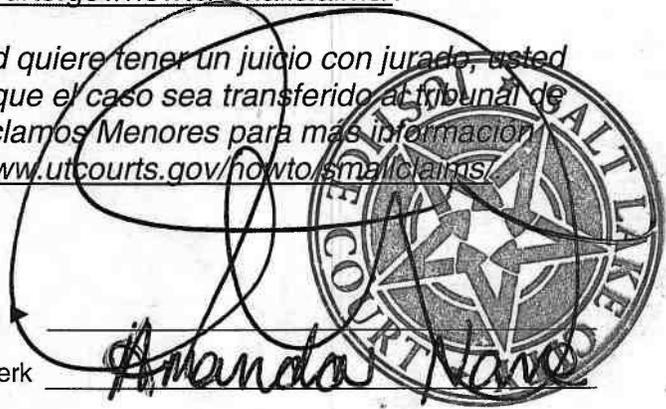
El derecho a juicio por jurado. *Si usted quiere tener un juicio con jurado, usted deberá presentar documentos pidiendo que el caso sea transferido al tribunal de distrito. Vea la página de internet de Reclamos Menores para más información sobre el proceso y formularios: <https://www.utcourts.gov/howto/smallclaims/>.*

Date: May 26, 2017

Sign here

Court Clerk

Amanda Nave

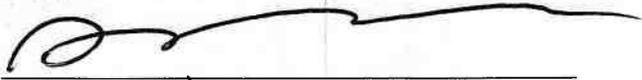


(2) The events happened on March 21st, 2017 (date). My claim is based on the following facts.

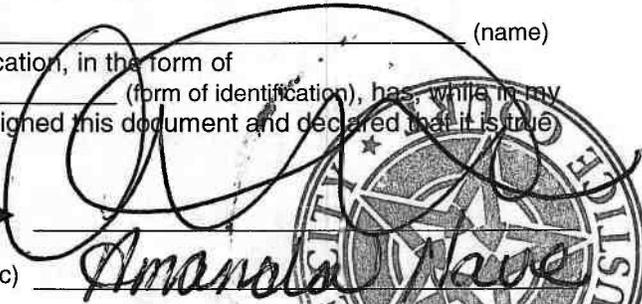
(attaching separate sheet for Facts/Case Law)

- (3) Defendant resides within the jurisdiction of the court.
- The events happened within the jurisdiction of the court.
- (4) I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.
- (5) I am not suing on a claim that has been assigned to me.
- (6) I am filing this affidavit in the First District Court for Cache County because the defendant resides in unincorporated Cache County or in a municipality within Cache County that does not have a justice court and the cause of action arose in unincorporated Cache County or in a municipality within Cache County that does not have a justice court.

I have not included any non-public information in this document.

05/26/2017 Sign here ▶ 
 Date Typed or Printed Name Russell Greer

On this date, I certify that Russell Greer (name) who is known to me or who presented satisfactory identification, in the form of Drivers License (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

May 26, 2017 Sign here ▶ 
 Date Typed or printed name (Court Clerk or Notary Public) Amanda Hove
 Notary Seal 

Summons

To:

Para:

Ariana Grande

Defendant Name and Address

Nombre y dirección del Demandado

Scooter Braun

Defendant Name and Address

7, NYC, NY

Nombre y dirección del Demandado

You are summoned to appear at trial to answer the above claim. The trial will be held at the court address shown above. **If you fail to appear, judgment may be entered against you for the total amount claimed.**

*Se le cita a comparecer a juicio para responder al reclamo arriba descrito. El juicio tendrá lugar en la dirección del tribunal que se muestra arriba. **Si usted no comparece, se podría dictar un fallo contra usted por el total de la cantidad reclamada.***

Date (Fecha) August 2, 2017 Time (Hora) 1:30 [] a.m. [x] p.m.

Room (Sala) 1 Judge (Juez) Roger Kraft

Notice to the Defendant

A small claims case has been filed against you. This imposes upon you certain rights and responsibilities. You can find small claims information and instructions at <https://www.utcourts.gov/howto/smallclaims/>.

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Un caso de reclamos menores ha sido presentado contra usted. Esto le impone a usted ciertos derechos y obligaciones. Usted puede encontrar información e instrucciones sobre reclamos menores en <https://www.utcourts.gov/howto/smallclaims/>.

La página del tribunal sobre Como Encontrar Ayuda Legal (www.utcourts.gov/howto/legalassist/) proporciona información acerca de las maneras en que usted puede obtener ayuda legal, incluyendo el Centro de Ayuda del tribunal, abogados a precio reducido, ayuda legal limitada y talleres jurídicos gratuitos.