

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

JANE DOE (“fictitious name”), an individual  
Plaintiff,

Case No.:17-CA-011075  
Division: I

vs.

MARCELL DAREUS, an individual  
Defendant.

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**SECOND AMENDED COMPLAINT**

Plaintiff, JANE DOE sues Defendant MARCELL DAREUS, an individual (“Defendant”) and pursuant to Rule 1.110(b), Florida Rules of Civil Procedure, herein, and alleges:

**JURISDICITON, PARTIES AND VENUE**

1. This Court has jurisdiction over this dispute because this Complaint seeks damages in excess of fifteen thousand (\$15,000.00) dollars, exclusive of interest, costs and attorney’s fees.
2. On the date of the incident which is the subject of this lawsuit, DARA KHOYI and ANVAR K. KHOYI resided, and rented/leased in Lutz, Hillsborough County, Florida.
3. At all times material, Plaintiff resided in Las Vegas, NV, but was visiting Tampa, Florida.
4. At all times material DARA KHOYI, and ANVAR K. KHOYI, were the owners of the property 117 Bellamere Palms Court, Lutz, Hillsborough County, Florida. (Villa Adriana), the property where the alleged sexual assault (incident) took place.
5. Venue is proper in Hillsborough County, Florida because the incident giving rise to this action took place in Hillsborough County, Florida.

**GENERAL ALLEGATIONS**

6. The Villa Adriana property is located at 117 Bellamere Palms Court, Tampa, Florida 33549, and is also referred to as (“mansion”).

7. DARA KHOYI is designated by DARA KHOYI and ANVAR K. KHOYI as the host/agent/property manager responsible for the hosting/managing of the property.

8. At all times material, Defendant, **MARCELL DAREUS**, a National Football League (NFL) player, was a tenant under a written lease executed on January 5, 2017 by and through his authorized agent (aka **house manager**), **DON MALLOY**, renting the **Villa Adriana**.

9. At all times, **Defendant**, was a tenant, and in actual possession of **Villa Adriana** from the rental period of January 5, 2017 through January 12, 2017.

10. On or about January 6, 2017, **Plaintiff** while visiting Tampa stayed at the Aloft Hotel, Downtown Tampa ("**hotel**").

11. On or about January 7, 2017, **Plaintiff** went alone to a club in Downtown Tampa, by the name of Club Aja Channelside ("**club**").

12. **Plaintiff**, states that while at the club, there were many other party goers, but she did not know anyone there.

13. **Plaintiff** recalls the time to be somewhere between 10:30pm-11:00pm that she arrived at the club.

14. **Plaintiff** states that when she initially arrived at the club, she went to the bar area, and purchased a drink (vodka and cranberry juice).

15. **Plaintiff**, states after a short period of time being in the club, she was approached by a gentleman (she believes to go by the name of "**John**"), and he invited her into the VIP section of the club, which she accepted the invitation.

16. **Plaintiff** met several other people, but again knew no one.

17. One of the persons **Plaintiff** met, was **Defendant**, who appeared to be the host of the group.

18. **Plaintiff** states that several drinks were being served to the group, along with bottles of champagne.

19. **Plaintiff** states that she consumed gratis about two (2) glasses of champagne.

20. At some point during the evening, **Plaintiff** states that she was invited to an after party at a local mansion by **Defendant**, and his entourage.

21. **Plaintiff** states that she accepted the invitation, and a small group left the club at around the same time to go to the mansion.

22. **Plaintiff** states that she did not have her own vehicle, but was directed to get into a large black SUV along with two (2) other people, one (1) being another black female, who was sitting in the back seat of the vehicle with her.

23. **Plaintiff** states that **Defendant**, also left at the same time to go to the mansion, but he was in a separate vehicle, an orange Bentley, being chauffeured by someone else.

24. **Plaintiff** believes that she and the group left the club between 1:00am -1:30am.

25. Upon arriving at the mansion, **Plaintiff** states that once inside, she saw there were not many people present.

26. **Plaintiff** states that about 30-45 minutes after arriving, several other people arrived at the mansion.

27. **Plaintiff** states that there was a DJ set up and playing music, and what appeared to be 10-12 strippers, and other party goers.

28. All together, **Plaintiff** states there appeared to be 30-40 persons in total at the mansion, some which were found to be other NFL players.

29. **Plaintiff** states that from the time she arrived at the mansion she remained in the kitchen area (a large open kitchen area), which there were also other people in this area.

30. **Plaintiff** states that among the persons in the kitchen area were **Defendant**, "John", as well as, a few other persons.

31. **Plaintiff** states that once the party began, there were strippers dancing and many other people wandering throughout the mansion (both male and female).

32. **Plaintiff** further states that there was alcohol, marijuana, and cocaine open and visible, being and offered up to party goers.

33. **Plaintiff** states that she was offered a drink by “John”, and accepted by telling him, “that she would have a vodka and cranberry juice”, which he poured her.

34. **Plaintiff** states upon her sipping the drink which “John” had poured, that it appeared to taste funny (kind of salty), which she advised “John”, and he offered to make her another one, which he did.

35. **Plaintiff** states that the second drink did not have the same “funny taste”, and she drank it.

36. **Plaintiff** states that **Defendant**, at some point while in the kitchen grabbed her breast and attempted to put his hands between her legs, which she resisted his advances and told him to stop, which he replied “you know I want you”.

37. **Plaintiff** states that she at some point “blacked out,” but her last recollection of events before she “blacked out” was being guided going down the hallway toward the restroom, but it was occupied and she was redirected to the master bedroom by “John” while **Defendant**, following closely behind.

38. **Plaintiff** states the next thing she remembers is waking up in a bed.

39. **Plaintiff** states that she immediately noticed that her clothes were dishelved, with her bra being turned inside out and breast exposed, her dress being pulled up around her waist, and panties being pulled to the side of her vagina area.

40. **Plaintiff** being confused, looked and took notice of her unfamiliar surroundings, and saw an unclothed, **Defendant**, asleep next to her. **Defendant’s** black jeans and shirt were on the floor next to the bed.

41. **Plaintiff** states that upon becoming more conscious and aware of the situation and her surroundings, she began to immediately realize that there had been sexual physical acts upon her person.

42. **Plaintiff**, being horrified and distraught as to what had occurred in these early morning hours, she hurriedly straightened her clothes, and ran frantically out of the room.

43. **Plaintiff** states upon entering the hallway, she immediately came upon a black gentleman, known only to her as the house manager.

44. **Plaintiff** refers to him as the house manager, only because during the party, he continuously walked around approaching guests, asking “if they were O.K.,” and “if he could get them anything.” At no time did **Plaintiff** witness the house manager drink, smoke, or partake in any of the illicit activities as other guest were.

45. **Plaintiff** states that the house manager asked her “if everything was O.K.,” which she emotionally responded by cursing at him.

46. **Plaintiff** advised the house manager that she needed to leave, and at such time was driven back to her hotel by an unknown male.

47. **Plaintiff** upon arriving back to her hotel, was emotionally distraught.

48. **Plaintiff** upon entering her hotel room, just sat on the floor in a daze.

49. **Plaintiff** then got up turned on the shower and got in.

50. **Plaintiff** states she remained in her hotel room that entire day on Sunday afternoon, January 8, 2017.

51. On Monday, January 9, 2017, still distraught and without speaking to anyone about the incident, **Plaintiff** and took a flight back to Los Angeles.

52. **Plaintiff** after several months of suffering through the emotional stage of these unfortunate events, she finally gathered the courage to come forth.

53. **Plaintiff**, due to the embarrassment and self-guilt has kept the events of this sexual assault by **Defendant**, private, not telling anyone.

54. That all times material herein, the mansion where all events occurred alleged herein, was owned by DARA KHOYI and ANVAR K. KHOYI, and rented out to **Defendant**.

55. That DARA KHOYI and ANVAR K. KHOYI, rented the mansion to the **Defendant**, for the purposes of entertainment and parties.

56. That the **Defendant**, leased the mansion for a period of one (1) week (from January 5, 2017 through January 12, 2017).

**COUNT I**

**DEFENDANT, MARCEL DAREUS INTENTIONAL TORT- ASSAULT**

57. The **Plaintiff** re-alleges and incorporates herein by reference the preceding allegations in paragraphs 1 through 56.

58. On January 7, 2017, the **Plaintiff**, JANE DOE was an invitee/patron at Villa Adriana during an event which was hosted by **Defendant**, and was assaulted during the event.

59. On the aforementioned date, the **Defendant**, intentionally threatened immediate harmful contacts with the **Plaintiff's** person by use of his hands, arms, and other body parts.

60. **Defendant**, intentionally caused or acted with reckless disregard of causing **Plaintiff** to fear that such threatened contacts put her in imminent peril and that in light of the **Defendant's**, large stature, coupled with his strength and the surroundings, the **Defendant**, had the present ability to carry them out.

61. The **Plaintiff**, apprehended these threatened contacts, which created a well-founded fear of physical harm and and/or other violent acts was about to take place.

62. As a direct and proximate result of the **Defendant's**, unlawful assault, the **Plaintiff** has suffered injuries, damages and losses; including, without limitation, past and future physical injury, pain and suffering, past and future emotional and mental distress, impaired earning capacity, past and future, and past and future losses of the enjoyment of life.

**WHEREFORE**, **Plaintiff** respectively demands judgment against the **Defendant**, for monetary damages in excess of \$15,000, costs, and such other and further relief as the Court may deem just and proper.

**COUNT II**

**DEFENDANT, MARCEL DAREUS INTENTIONAL TORT- BATTERY**

63. The **Plaintiff** re-alleges and incorporates herein by reference the preceding allegations in paragraphs 1 through 62.

64. On or about January 7, 2017, the **Defendant**, was the host of an event when the **Plaintiff**, was an invitee inside Villa Adriana and she was battered.

65. On the same date, January 7, 2017, the **Defendant**, without privilege, consent, or authority, intentionally touched the **Plaintiff** against her will and in doing so, intentionally caused bodily harm to the **Plaintiff**.

66. The **Defendant**, intentionally touched the **Plaintiff** by the use of his hands arms, or other body for the purpose of and with the intent to commit the act of battery on the **Plaintiff**, against her will.

67. The **Defendant**, act of battery against the **Plaintiff** was without authority and without consent of the **Plaintiff**.

68. As a direct and proximate result of the **Defendant's**, battery against the **Plaintiff**, the **Plaintiff** has suffered injuries, damages and losses-including, without limitation, past and future physical injury, pain and suffering, past and future emotional and mental distress, impaired earning capacity, past and future, and past and future losses of the enjoyment of life.

**WHEREFORE**, Plaintiff demands judgment for damages including but not limited to compensatory damages, costs, interest including prejudgment interest, and any such relief to which Plaintiff is entitled, against Defendant, **MARCELL DAREUS**.

#### **DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury as to all matters so triable.

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically through the Florida Courts E-Filing Portal and to designated e-service to: Bradford D. Kimbro, Esq., [brad.kimbrow@hklaw.com](mailto:brad.kimbrow@hklaw.com), [kendyl.tash@hklaw.com](mailto:kendyl.tash@hklaw.com), [Gloria.mcknight@hklaw.com](mailto:Gloria.mcknight@hklaw.com), and Stephen G. Weizenecker, Esq., [sweizenecker@btlaw.com](mailto:sweizenecker@btlaw.com), on this 13<sup>th</sup> day of April, 2018.

Respectfully Submitted,

/s/ Joseph M. Williams

Joseph M. Williams, Esquire

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