

IN THE CIRCUIT COURT OF THE  
11<sup>th</sup> JUDICIAL CIRCUIT, IN AND FOR  
MIAMI DADE COUNTY, FLORIDA

CASE NO.  
JUDGE:

JEFFREY BINION,

Plaintiff,

v.

JUSTIN BIEBER  
and HUGO HESNY,

Defendants.

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**COMPLAINT**

COMES NOW the Plaintiff, JEFFREY BINION, by and through his undersigned Attorney, and sues the Defendants, JUSTIN BIEBER (“BIEBER”) and HUGO HESNY (“HESNY”), and states:

1. This is an action for damages in excess of \$15,000.00, exclusive of interest and costs.

2. At all times material hereto and at the time of the incident complained of, Plaintiff, JEFFREY BINION, was a resident of Miami-Dade County, Florida.

3. At all times material hereto and at the time of the incident complained of, Defendant JUSTIN BIEBER, was a resident of California.

4. At all times material hereto and at the times of the incident complained of, Defendant HESNY was a resident of Florida, was not licensed by the State of Florida to work as a bodyguard, and was not licensed to carry a gun. Nonetheless, Defendant HESNY was employed by or on behalf of Defendant BIEBER, as a bodyguard.

5. Additionally, at all times material hereto and at the times of the incident complained of, an agency relationship existed by and between Defendants BIEBER and HESNY, whereby Defendant BIEBER, as Principal, had the right of control over HESNY's actions, and HESNY, as an Agent of BIEBER, was authorized to act for BIEBER.

6. On or about June 5<sup>th</sup>, 2013, at approximately 4:00pm, Defendants BIEBER and HESNY were outside of the "Hit Factory" recording studio, located at 1750 NE 149<sup>th</sup> Street, Miami, Dade County, Florida.

7. At the aforescribed date, time and place, Plaintiff, who is a 56 year old professional photographer, was legally on the sidewalk outside of the Hit Factory, taking photographs of Defendant BIEBER.

8. Defendant BIEBER, who is an internationally famous recording artist, did not want the Plaintiff to take photographs of him, so he directed HESNY and three other bodyguards to confront Plaintiff, and to forcibly take the memory card from Plaintiff's camera.

9. In compliance with BIEBER's instructions, Defendant HESNY threw Plaintiff against a wall, began choking him, and threatened Plaintiff with a gun, while the other bodyguards (whose names are unknown to the Plaintiff, pending further discovery), assisted him in threatening Plaintiff and forcibly removing the memory card from his camera.

10. As a direct and proximate result of the actions of Defendants BIEBER and HESNY, Plaintiff was injured, as more fully set forth herein.

**COUNT I – BATTERY**  
**BY DEFENDANT HESNY**

Plaintiff repeats and realleges each and every allegation contained in Paragraph 1 through 10, as though fully set forth herein, and further states:

11. Defendant HESNY committed a harmful and offensive contact with the Plaintiff by throwing him against a wall and grabbing his throat, in attempting to take the memory card from his camera. His conduct was willful, wanton, and calculated to cause harm to the Plaintiff. Plaintiff intends to seek Punitive Damages against Defendant HESNY for his aforescribed actions.

12. As a direct and proximate result of the aforescribed Battery, Plaintiff suffered bodily injury, pain and suffering, mental anguish, loss of capacity for the enjoyment of life, and past medical expenses. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, JEFFREY BINION, demands judgment against Defendant HUGO HESNY, as and for compensatory damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars, plus court costs.

**COUNT II- BATTERY**  
**BY DEFENDANT BIEBER**

Plaintiff reavers and realleges each and every allegation contained in Paragraph 1 through 10, as though fully set forth herein, and further states:

13. By instructing Defendant HESNY to forcibly take Plaintiff's memory card from his camera, Defendant BIEBER intended to cause a harmful or offensive contact with the Plaintiff, and a harmful and offensive contact with the Plaintiff resulted from BIEBER's conduct. Accordingly, BIEBER is liable to the Plaintiff for Battery. BIEBER's conduct was willful, wanton, and calculated to cause harm to the Plaintiff. Plaintiff intends to seek Punitive Damages against Defendant BIEBER for his aforescribed actions.

14. As a direct and proximate result of the aforescribed Battery, Plaintiff suffered bodily injury, pain and suffering, mental anguish, loss of capacity for the enjoyment of life, and past medical expenses. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, JEFFREY BINION, demands judgment against Defendant JUSTIN BIEBER, as and for compensatory damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars, plus court costs.

**COUNT III- LIABILITY OF DEFENDANT BIEBER**  
**FOR THE INTENTIONAL ACTS OF DEFENDANT HESNY**

Plaintiff reavers and realleges each and every allegation contained in Paragraph 1 through 10, as though fully set forth herein, and further states:

15. Defendant HESNY's conduct was done in furtherance of the agency relationship that existed between Defendants BIEBER and HESNY; therefore, Defendant BIEBER is liable for the intentional acts of HESNY by virtue of their Agency relationship.

16. Additionally, Defendant HESNY's conduct was in furtherance of Defendant BIEBER's desire not to be photographed, and was motivated by HESNY's desire to serve BIEBER as a bodyguard. Accordingly, Defendant BIEBER is vicariously liable for Defendant HESNY's intentional acts due to their employment relationship.

17. As a direct and proximate result of the aforescribed Battery, Plaintiff suffered bodily injury, pain and suffering, mental anguish, loss of capacity for the enjoyment of life, and past medical expenses. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, JEFFREY BINION, demands judgment against Defendant JUSTIN BIEBER, as and for compensatory damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars, plus court costs.

**COUNT IV – NEGLIGENCE**  
**OF DEFENDANT BIEBER**

Plaintiff reavers and alleges and reavers each and every allegation set forth in Paragraphs 1 through 10, as though fully set forth herein, and further states:

18. Defendant, JUSTIN BIEBER, owed Plaintiff a duty to use reasonable care.

19. Defendant BIEBER breached his duty of reasonable care in one or more of the following ways:

- (a) by failing to properly supervise and direct his bodyguards, including but not limited to Defendant HESNY;
- (b) by instructing his bodyguards to use physical force against the Plaintiff to obtain his film card, although he knew, or in the exercise of reasonable care should have known, that Plaintiff was likely to be injured by said bodyguards.

20. Defendant BIEBER's conduct was willful, wanton, and calculated to cause harm to the Plaintiff. Plaintiff intends to seek Punitive Damages against Defendant BIEBER for his aforescribed actions.

21. As a direct and proximate result of the aforescribed negligence, Plaintiff suffered bodily injury, pain and suffering, mental anguish, loss of capacity for the enjoyment of life, and past medical expenses. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, JEFFREY BINION, demands judgment against Defendant

JUSTIN BIEBER, as and for compensatory damages in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars, plus court costs.

**DEMAND FOR JURY TRIAL**

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

**RUSSELL S. ADLER, P.A.**

*Attorney for Plaintiff*

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By: \_\_\_\_\_

RUSSELL S. ADLER

FLORIDA BAR NO.: 599298