

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division

KATHRINE MAE McKEE,

Plaintiff,

V.

WILLIAM H. COSBY, JR.,

Defendant.

Civil Action No. _____

COMPLAINT

Plaintiff, acting *Pro Se*, complaining of the Defendant, respectfully alleges as follows:

Parties

1. The Plaintiff Kathrine Mae McKee, who is also known as Kathy McKee (hereinafter “Ms. McKee” or “Plaintiff”), is a resident of Las Vegas, Nevada, and is a citizen of the United States.

2. The Defendant William H. Cosby, Jr., who is also known as Bill Cosby (hereinafter “Cosby” or “Defendant”), is a resident of the City of Shelburne Falls, the County of Franklin, and the State of Massachusetts, and is a citizen of the United States.

Jurisdiction and Venue

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1), because this is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

4. Venue is proper under 28 U.S.C. § 1391(b)(1), as it is based upon the residence of the Defendant.

5. Filing the Complaint in the Western Division is proper pursuant to Local Rule 40.1(D)(1)(c) of the Local Rules of the United States District Court for the District of Massachusetts, since the defendant resides in Franklin County, Massachusetts (*see* Local Rule 40.1(C)(3)).

Facts

6. Ms. McKee is an accomplished performer and actress, and has been working in the entertainment industry for over fifty (50) years.

7. Today, Ms. McKee runs a talent agency and casting company, called Kathy McKee Casting.

8. Ms. McKee first met Cosby in or about 1964, when she was working as an aspiring actress and as a showgirl in Las Vegas, Nevada.

9. In 1971, Ms. McKee appeared as an actress on “The Bill Cosby Show”, a popular American television program which aired from 1969 to 1971.

10. In 1974, Ms. McKee believed that she and Cosby were friends, and she felt comfortable accepting an invitation from Cosby to meet socially one day when both of them happened to be in Detroit, Michigan coincidentally.

11. Cosby asked Ms. McKee to get some ribs from a local restaurant and then pick him up at his hotel, and he promised that he would then take Ms. McKee to a party on a friend’s boat docked in the Detroit River.

12. When Ms. McKee arrived at the hotel room, Cosby invited Ms. McKee into the hotel room, and she observed that Cosby was wearing a bath robe and a knit wool cap.

13. Ms. McKee stepped a few steps into the hotel room when she was immediately set upon and physically attacked by Cosby.

14. Cosby snatched the ribs from her hands and tossed them aside.

15. Cosby was wild and aggressive, and was acting nothing like the man Ms. McKee had known professionally.

16. Cosby violently and forcefully grabbed Ms. McKee and then spun Ms. McKee around so that she was facing away from Cosby and toward the door.

17. Cosby violently lifted her dress and pulled down her panties.

18. Cosby intimidated, terrified, and terrorized Ms. McKee with pain and overwhelming physical force.

19. Cosby proceeded to forcibly rape Ms. McKee while both were still standing very near the door.

20. The rape was an unprovoked and violent attack. The rape was shocking, scary and horrible.

21. In 2014, Ms. McKee was interviewed by a reporter from the New York Daily News and upon being questioned, told the reporter about the aforesaid rape perpetrated by Cosby in Detroit in 1974.

22. On or about December 22, 2014, the New York Daily News published a news article which described the aforesaid 1974 rape of Ms. McKee perpetrated by Cosby.

23. On or about December 22, 2014, in response to the aforesaid news article, Cosby, by and through his attorney Martin Singer, wrote a letter to the New York Daily News in which Cosby denied that he raped Ms. McKee, and in which Cosby called Ms. McKee a liar (directly and indirectly), and in which Cosby made other false statements about Ms. McKee (hereinafter referred to as the "Singer Letter").

24. At all times relevant hereto, Martin Singer was the attorney for Cosby, and was his agent, servant, and employee, and was authorized in law and fact to speak for Cosby.

25. On or about December 24, 2015, in response to the Singer Letter, the New York Daily News published a second news article wherein it reported that Cosby (through Martin Singer) denied the rape allegation, and further that Cosby asserted that Ms. McKee “had [done] a lot of lying”, and that Ms. McKee “defied credibility”

26. The Singer Letter directly and openly called Ms. McKee a liar, and indirectly used artifice, fallacy, innuendo and inference to cast further doubt on Ms. McKee’s reputation for truthfulness, honesty and integrity.

Cause of Action for Defamation

27. Ms. McKee repeats and restates all of the foregoing allegations contained in Paragraphs 1 through 26, as if fully set forth herein.

28. Through the Singer Letter, Cosby made defamatory statements concerning Ms. McKee to a third party, namely the New York Daily News.

29. However, Cosby’s intention was not only to defame Ms. McKee to the New York Daily News, but also to defame Ms. McKee to the world at large, by causing a news story to appear in the New York Daily News, wherein Cosby would call Ms. McKee a liar, all for the purpose of discrediting Ms. McKee and to damage her reputation for truthfulness and honesty, and further to embarrass, harass, humiliate, intimidate, and shame Ms. McKee.

30. Cosby intended that his statements would appear in the New York Daily News, and he further intended that his statements would be published to the world at large, not just through the New York Daily News, but Cosby reasonably expected that the New York Daily News story of December 24, 2015, would get picked up by other media sites on the internet, and

would be further repeated on television, and disseminated still further as Cosby's statements were re-published through other newsprint organizations. Thus, Cosby intended that his statements would be published effectively to the world at large.

31. And in fact, Cosby's defamatory statements were effectively published and disseminated broadly to the world at large, through the internet, television, and through other newsprint organizations to a very broad community.

32. Cosby's statements in the Singer Letter are false, and Cosby knew them to be false when they were made.

33. Cosby made the statements in the Singer Letter with reckless disregard for the truth, and/or actual malice toward Ms. McKee.

34. At all times relevant hereto, Cosby knew that Ms. McKee was telling the truth, and Cosby knew that he did in fact rape Ms. McKee in a hotel room in Detroit in 1974.

35. Cosby's statements in the Singer Letter are not privileged.

36. Cosby damaged Ms. McKee's reputation by asserting openly and through insinuation that Ms. McKee was a liar, thus creating the impression that she is unethical or immoral to a considerable and respectable segment of the community.

37. Cosby knowingly made false statements contained in the Singer Letter with the intention of damaging Ms. McKee's reputation in the community generally, and in the entertainment industry specifically.

38. Cosby is at fault in making the statements contained in the Singer Letter, since he knew them to be false, and further since his purpose was to damage Ms. McKee's reputation in the community generally, and in the entertainment industry specifically.

39. Cosby's false statements have unfairly tainted and permanently damaged the reputation of Ms. McKee in the eyes of the general public, and in the eyes of people in the entertainment industry who are now unwilling to hire Ms. McKee as a casting director for their upcoming entertainment projects.

40. Cosby's statements have caused Ms. McKee economic loss in loss of her reputation.

41. Cosby's statements are actionable without proof of economic loss under the common law of the State of Massachusetts.

42. The aforesaid loss of reputation was caused solely by the actions of Cosby, his agent(s), servant(s), and/ or employee(s), and without any negligence of the Plaintiff contributing thereto.

43. Cosby is liable for the actions of his agent(s), servant(s), and/ or employee(s) under the principle of *respondeat superior*.

WHEREFORE, Plaintiff demands judgment against the Defendant in a sum in excess of the minimum jurisdictional threshold of this Court, in both compensatory and punitive damages, plus pre- and post-judgment interest, together with attorney's fees, and the costs and disbursements of this action.

Demand for Jury Trial

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38(b)(1), on all issues, claims, and causes of action against Defendant.

Dated: New York, New York
December 21, 2015

A handwritten signature in black ink that reads "Kathrine Mae McKee". The signature is written in a cursive style and is positioned above a horizontal line.

Kathrine Mae McKee

Pro Se Plaintiff

1201 North Rainbow Blvd., No. 54

Las Vegas, NV 89108

Email: kathymckeecasting@gmail.com

Tel: (702) 904-1211

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>KATHRINE MAE MCKEE</p> <p>(b) County of Residence of First Listed Plaintiff <u>Clark County, Nevada</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p>Plaintiff Pro Se</p>	<p>DEFENDANTS</p> <p>WILLIAM H. COSBY, JR.</p> <p>County of Residence of First Listed Defendant <u>Franklin County, MA</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p> <p>Unknown</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input checked="" type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input checked="" type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

PERSONAL INJURY	PERSONAL INJURY	PERSONAL INJURY	PROPERTY/REALTY	BUSINESS	OTHER STATUS
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify)
 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*

Brief description of cause:
Defamation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS **MORE THAN \$75K**

CHECK YES only if demanded in complaint.
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE: 12/21/2015

SIGNATURE OF ATTORNEY OF RECORD: /s/ Kathrine Mae McKee, Plaintiff Pro Se

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Kathrine Mae McKee v. William H. Cosby, Jr.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 410, 441, 470, 535, 830*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 140, 160, 190, 196, 230, 240, 290,320,362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.
- III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Kathrine Mae McKee, Plaintiff Pro Se

ADDRESS 1201 North Rainbow Boulevard, No. 54, Las Vegas, Nevada 89108

TELEPHONE NO. 702-904-1211