

**JEFF ANDERSON & ASSOCIATES PA**  
12011 San Vicente Boulevard, Suite 700  
Los Angeles, California 90049  
Telephone: 310.357.2425  
Facsimile: 651.297.6543

1 Michael Reck, State Bar No. 209895  
mreck@andersonadvocates.com  
2 **JEFF ANDERSON & ASSOCIATES PA**  
12011 San Vicente Boulevard, Suite 700  
3 Los Angeles, California 90049  
Tel: 310-357-2425  
4 Fax: 651-297-6543

5 Karen Barth Menzies, State Bar No. 180234  
kbm@kbmlaw.com  
6 **KBM Law Corp.**  
6701 Center Drive West, Suite 1400  
7 Los Angeles, California, 90045  
Telephone: (310) 363-0030  
8 Facsimile: (310) 861-0168

9 Attorneys for Plaintiff Cari Lee Mitchell, a.k.a. Kari Krome  
10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**

14 Cari Lee Mitchell, a.k.a. Kari Krome, an  
15 individual  
16 **Plaintiff,**  
17 vs.  
18 Defendant Rodney Bingenheimer, an  
19 individual; the Estate of Kim Fowley, an  
20 individual; and DOES 3 through DOE 20,  
21 inclusive.  
22 **Defendants.**

Case No: 22STCV40871

**FIRST AMENDED COMPLAINT FOR DAMAGES FOR:**

- 1. Sexual Battery (Civ. Code § 1708.5);**
- 2. Sexual Assault**

**[Filed Pursuant to Code of Civil Procedure Section 340.1, as Amended by Assembly Bill 218]**

**[Jury Trial Demanded]**

24 Plaintiff, Cari Lee Mitchell, a.k.a. Kari Krome, (“Plaintiff”) brings this action against  
25 Defendant Rodney Bingenheimer, Defendant Kim Fowley, and Defendants DOES 3-20 (together,  
26 “Defendants”), and based upon information and belief available to at the time of the filing of this  
27 Complaint for Damages, Plaintiff makes the following allegations:  
28 ///

**INTRODUCTION**

1  
2 1. Plaintiff, Kari Krome is a survivor of childhood sexual abuse, sexual battery, assault,  
3 and molestation at the hands of Defendant Rodney Bingenheimer. When Plaintiff was approximately  
4 13 and 14 and 15 years old, Defendant Rodney Bingenheimer and Defendant Kim Fowley used their  
5 roles, status, and power as adults, as well as their connections to and work in the music industry to  
6 gain access to manipulate, exploit, and sexually assault Plaintiff in the State of California, County of  
7 Los Angeles. As a result of Defendant Rodney Bingenheimer’s and Defendant Kim Fowley’s sexual  
8 abuse and assault, Plaintiff has suffered severe emotional, physical and psychological distress,  
9 including shame, and guilt, economic loss, economic capacity and emotional loss.

**PARTIES**

10  
11 2. Plaintiff, Kari Krome, is an adult female residing in Los Angeles, California.  
12 Plaintiff was born in 1961 and was a minor throughout the period of child sexual assault alleged  
13 herein. The childhood sexual abuse, harassment, and/or assault occurred within Los Angeles  
14 County, in the State of California. Plaintiff brings this Complaint pursuant to *Code of Civil*  
15 *Procedure* Section 340.1, as amended by Assembly Bill 218, for the child assault she endured at the  
16 hands of Defendants. Thus, Plaintiff’s claims for damages suffered as a result of childhood sexual  
17 assault are timely filed as they are filed within three years of January 1, 2020.

18 3. Upon information and belief, Defendant Rodney Bingenheimer at all times herein  
19 was and is an adult male individual, who lived in Los Angeles County during the period of time  
20 when the sexual abuse, harassment, and molestation alleged herein took place, and currently lives in  
21 Los Angeles, California. By 1974, Defendant Bingenheimer was well-known in the music scene  
22 and the owner of a popular nightclub known for allowing under-age girls and frequented by rock  
23 stars and others in the music industry. By 1974 Defendant Bingenheimer had acquired stature and  
24 power as a result of his connections to famous musicians and his status as the owner of the  
25 nightclub.

26 4. Upon information and belief, Defendant Kim Fowley is deceased and accordingly,  
27 names The Estate of Kim Fowley, an individual as a defendant herein. The Estate of Kim Fowley,  
28 an individual is sometimes hereafter referred to as “Defendant Fowley”. At all times relevant to this

1 Complaint, Defendant Fowley was present in Los Angeles, California and the alleged assaults  
2 occurred in Los Angeles, California. By 1974, Defendant Fowley was a well-known record  
3 producer, publisher and manager in Los Angeles. By 1974 Defendant Fowley had acquired wealth,  
4 stature and power as a result of his career and status as a record producer, publisher and manager in  
5 the music industry.

6 5. The true names and capacities, whether individual, corporate, partnership, associate  
7 or otherwise, of Defendants DOES 3-20, inclusive, are unknown to Plaintiff at this time. Plaintiff  
8 therefore sues such Defendants by such fictitious names pursuant to section 474 of the California  
9 Code of Civil Procedure. Plaintiff will seek to leave to amend this Complaint to allege the true  
10 names and capacities of each such Doe Defendants when ascertained. Each such Defendant DOE is  
11 legally responsible in some manner for the events, happenings and/or tortious and unlawful conduct  
12 that caused the injuries and damages alleged in this Complaint. Defendant Bingenheimer,  
13 Defendant Fowley, and Defendant DOES 3 through 20 are sometimes hereafter referred to as the  
14 “Defendants.”

15 6. On information and belief, at all times material hereto, Defendants were the agents,  
16 representatives, servants, employees, partners, and/or joint ventures of each and every other  
17 Defendant and were acting within the course and scope of said alternative capacity, identity,  
18 agency, representation and/or employment and were within the scope of their authority, whether  
19 actual or apparent. Defendants, and each of them, are individuals, corporations, partnerships, and  
20 other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out  
21 the tortious and unlawful activities described in this Complaint. Each Defendant approved and/or  
22 ratified the conduct of each other Defendant. Consequently, each Defendant is jointly and severally  
23 liable to Plaintiff for the damages sustained as a proximate result of his, her or its conduct. Each of  
24 the Defendants proximately caused the injuries and damages alleged.

25 7. Whenever reference is made to “Defendants” in this Complaint, such allegation(s)  
26 shall be deemed to mean the acts of the Defendants acting individually, jointly, and /or severally.

27 **JURISDICTION AND VENUE**

28 8. This Court has jurisdiction over the subject matter of this action pursuant to Article

1 VI, section 10 of the California Constitution and section 410.10 of the California Code of Civil  
2 Procedure.

3 9. Venue is proper in this Court under Code of Civil Procedure section 395 because a  
4 substantial part of the conduct alleged giving rise to the violations of law alleged herein occurred in  
5 Los Angeles County.

6 **GENERAL FACTUAL ALLEGATIONS**

7 ***I. Minor Plaintiff is Groomed and Assaulted by Defendant DOE 1***

8 10. Plaintiff was born and raised in Southern California and living in Lakewood,  
9 California. Plaintiff was always interested in music, and she began writing songs at a young age.  
10 When she was age 13, she met some local kids who went to Hollywood to hear bands play, and she  
11 joined them. The teenagers went to Defendant Bingenheimer's nightclub, which was notorious for  
12 allowing underage kids to come inside. Here, Plaintiff met Defendant Bingenheimer.

13 11. Plaintiff was sitting at a table in the nightclub with friends, and Defendant  
14 Bingenheimer walked past her table multiple times, staring at Plaintiff. Defendant Bingenheimer  
15 was introduced to Plaintiff, and they exchanged phone numbers. Defendant Bingenheimer called  
16 Plaintiff shortly after their initial meeting and invited her to come to Hollywood and stay with him  
17 at his apartment. Plaintiff took the bus to Hollywood and stayed with Defendant Bingenheimer at  
18 his apartment numerous times. Immediately, Defendant Bingenheimer began grooming Plaintiff,  
19 she felt reassured because Defendant Bingenheimer often had numerous young girls around him,  
20 especially at the nightclub, and she had stayed at his apartment numerous times without any  
21 attempts at physical contact with her. Defendant Bingenheimer groomed Plaintiff to believe they  
22 were becoming friends and that she could trust him.

23 12. One weekend while Plaintiff was age 13, she took the bus from Lakewood to  
24 Defendant Bingenheimer's apartment. When she arrived, there were two men in the living room at  
25 Defendant Bingenheimer's apartment hanging out, one whom Plaintiff did not recognize.  
26 Defendant Bingenheimer and the unknown individual kept talking about a black and white  
27 television, which confused Plaintiff because the television in the living room was a color television.  
28 Defendant Bingenheimer then brought Plaintiff into his bedroom on the premise of watching

1 television. Plaintiff, who had not previously been in Defendant Bingenheimer’s bedroom but who  
2 had developed trust because of his grooming, went into the bedroom, and she noticed Defendant  
3 Bingenheimer had a black and white television in his bedroom. Defendant Bingenheimer sexually  
4 assaulted Plaintiff. Plaintiff was age 13, Defendant Bingenheimer was age 28. Defendant  
5 Bingenheimer continued to sexually assault Plaintiff multiple times over many months.

6 13. It was through his position of authority as an adult that Defendant Bingenheimer, a  
7 twenty-eight-year-old man, well-connected in the music scene, and the owner of the nightclub  
8 “Rodney Bingenheimer’s English Disco” on Sunset Strip, groomed and exploited Plaintiff, a minor,  
9 and perpetrated his sexual assaults upon her. Plaintiff is informed and thereon alleges that all the  
10 sexually abusive and harassing conduct alleged herein was done to satisfy Defendant  
11 Bingenheimer’s own prurient sexual desires.

12 14. The sexual acts perpetrated upon Plaintiff by Defendant Bingenheimer constitute  
13 child sexual assault as defined by California *Code of Civil Procedure* section 340.1, as modified by  
14 Assembly Bill 218, and were a violation of the California *Penal Code*, including, but not limited to,  
15 *Penal Code* sections: 266j, 287 and 288.

16 15. In doing the things alleged herein, Defendant Bingenheimer acted willfully and with  
17 the intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious  
18 disregard of Plaintiff’s rights, and intentionally misrepresented, deceived, and concealed material  
19 facts known to Defendant Bingenheimer, thereby depriving Plaintiff of legal rights and causing  
20 injury to Plaintiff. Defendant Bingenheimer was therefore guilty of oppression, fraud and/or malice  
21 in conscious disregard of Plaintiff’s rights. Plaintiff is therefore entitled to an award of exemplary  
22 or punitive damages as against Defendant Bingenheimer.

23 ***II. Defendant Rodney Bingenheimer Introduces Minor Plaintiff to Defendant Kim***  
24 ***Fowley Who Grooms and Assaults Minor Plaintiff Multiple Times.***

25 16. Defendant Bingenheimer knew that Plaintiff had been writing songs and was  
26 interested in working in the music business. Defendant Bingenheimer and Defendant Fowley were  
27 good friends who were both involved in the music scene and often together at Defendant  
28 Bingenheimer’s nightclub. Defendant Bingenheimer introduced Plaintiff to Defendant Fowley and

1 told her that Defendant Fowley was a songwriter. Soon after, Defendant Fowley saw Plaintiff at an  
2 event in Hollywood and asked for Plaintiff's phone number. Defendant Fowley started calling  
3 Plaintiff almost immediately. Defendant Fowley began grooming Plaintiff, talking to her about  
4 songwriting and music, and he eventually hired her as a songwriter for his publishing company.  
5 Defendant Fowley signed Plaintiff as a songwriter and had her sign a publishing contract with  
6 Defendant Fowley, which she signed on her 14th birthday.

7 17. Plaintiff brought the idea of an all-girl rock band to Defendant Fowley, and he had  
8 Plaintiff recruit band members. Plaintiff recruited guitarist Joan Marie Larkin, a.k.a. Joan Jett, and  
9 Defendant Bingenheimer and Defendant Fowley recruited the rest of the girls, and together they  
10 formed an all-girl band. Plaintiff also wrote numerous songs for the band, many of which  
11 Defendant Fowley took credit for, including lifting Plaintiff's ideas and words including "Cherry  
12 Bomb" (one of The Runaway's most popular songs) straight out of Plaintiff's journals. After  
13 rehearsals or shows, Defendant Fowley had the girls stay at his apartment, they would usually sleep  
14 on the floor in the living room.

15 18. One of the nights when the girls were staying in Defendant Fowley's living room,  
16 Plaintiff was trying to go to sleep when Defendant Fowley came into the living room. Defendant  
17 Fowley grabbed Plaintiff's ankle, dragged her across the floor and into his bedroom. Once in the  
18 bedroom, Defendant Fowley instructed Plaintiff not to say anything or make any sound. Defendant  
19 Fowley sexually assaulted Plaintiff. Defendant Fowley was very aggressive and intimidating.  
20 Plaintiff was afraid of him and felt powerless. Defendant Fowley made her sleep in his bed with  
21 him after sexually assaulting her. Defendant Fowley sexually abused Plaintiff approximately six  
22 more times over the course of the next year. Plaintiff was afraid to tell anyone about the sexual  
23 abuse and began drinking alcohol in an attempt to avoid the pain and trauma. Plaintiff was 14-15  
24 years old, and Defendant Fowley was age 35-36 during this time.

25 19. Defendant Fowley continued to contact Plaintiff well into the 1990's, long after he  
26 pushed her out of the band's inner circle and took songwriting credit for multiple songs written by  
27 Plaintiff. Defendant Fowley sounded erratic during the calls, and it was apparent to Plaintiff that  
28 Defendant Fowley continued to commit sexual crimes on Plaintiff over the telephone. Defendant

1 Fowley continued to exert his power over Plaintiff to her financial and emotional detriment, as he  
2 continued to have control of Plaintiff's songwriting royalties.

3 20. It was through his position of authority as an adult that Defendant Fowley, a thirty-  
4 six-year-old man, record producer, and band manager groomed and exploited Plaintiff, a minor, and  
5 perpetrated his sexual assaults upon her. Plaintiff is informed and thereon alleges that all the  
6 sexually abusive and harassing conduct alleged herein was done to satisfy Defendant Fowley's own  
7 prurient sexual desires.

8 21. The sexual acts perpetrated upon Plaintiff by Defendant Fowley constitute child  
9 sexual assault as defined by California *Code of Civil Procedure* section 340.1, as modified by  
10 Assembly Bill 218, and were a violation of the California *Penal Code*, including, but not limited to,  
11 *Penal Code* sections: 266j, 287 and 288.

12 22. In doing the things alleged herein, Defendant Fowley acted willfully and with the  
13 intent to cause injury to Plaintiff, subjected Plaintiff to cruel and unjust hardship in conscious  
14 disregard of Plaintiff's rights, and intentionally misrepresented, deceived, and concealed material  
15 facts known to Defendant Fowley, thereby depriving Plaintiff of legal rights and causing injury to  
16 Plaintiff. Defendant Fowley was therefore guilty of oppression, fraud and/or malice in conscious  
17 disregard of Plaintiff's rights. Plaintiff is therefore entitled to an award of exemplary or punitive  
18 damages as against Defendant Fowley.

19 **FIRST CAUSE OF ACTION**  
20 **SEXUAL BATTERY**  
21 **(Civ. Code § 1708.5)**

22 **(Against Defendant Rodney Bingenheimer, Defendant Kim Fowley and DOES 3-20)**

23 23. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent  
24 paragraphs of this Complaint as if fully set forth herein.

25 24. In approximately 1974, Defendant Bingenheimer intentionally, recklessly and  
26 wantonly performed acts which were intended to, and did result in harmful and offensive contact  
27 with intimate parts of Plaintiff's person. Plaintiff was subjected to at least one instance of sexual  
28 assault by Defendant DOE 1, during Plaintiff's time as a minor.

1           25.     In approximately 1974-1975, Defendant Fowley intentionally, recklessly and  
 2 wantonly performed acts which were intended to, and did result in harmful and offensive contact  
 3 with intimate parts of Plaintiff’s person. Plaintiff was subjected to multiple instances of sexual  
 4 assault by Defendant Fowley, during Plaintiff’s time as a minor.

5           26.     Defendant Bingenheimer and Defendant Fowley did the aforementioned acts with  
 6 the intent to cause harmful or offensive contact with an intimate part of Plaintiff’s person and would  
 7 offend a reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive  
 8 contact with an intimate part of Plaintiff’s person that would offend a reasonable sense of personal  
 9 dignity.

10          27.     The aforementioned acts constituted criminal sexual conduct pursuant, but not  
 11 limited to California *Penal Code* sections: 266j, 287 and 288.

12          28.     Because of Defendants position of authority over Plaintiff, and Plaintiff’s mental and  
 13 emotional state, and Plaintiff’s young age, Plaintiff was unable to, and did not, give meaningful  
 14 consent to such acts committed by Defendant Bingenheimer and Defendant Fowley.

15          29.     As a direct, legal, and proximate result of the acts of Defendants, Plaintiff sustained  
 16 serious and permanent injuries to her person, all of which are damages in an amount to be shown  
 17 according to proof and within the jurisdiction of the Court.

18          30.     In subjecting the Plaintiff to the wrongful treatment alleged herein, Defendant  
 19 Bingenheimer and Defendant Fowley, and each of them, acted willfully and maliciously with the  
 20 intent to harm Plaintiff, and in conscious disregard of Plaintiff’s rights, to constitute malice and  
 21 oppression under California Civil Code §3294. Plaintiff is therefore entitled to the recovery of  
 22 punitive damages, in a sum to be shown according to proof.

**SECOND CAUSE OF ACTION**  
**SEXUAL ASSAULT**

**(Against Defendant Rodney Bingenheimer, Defendant Kim Fowley and DOES 3-20)**

25          31.     Plaintiff repeats, re-alleges and incorporates herein by reference all consistent  
 26 paragraphs of this Complaint as if fully set forth herein.  
 27



1           32. Defendant Bingenheimer, in doing the things herein alleged, including intending to  
2 subject Plaintiff to multiple instances of sexual abuse and molestation, intended to cause harmful or  
3 offensive contact with Plaintiff’s person, or intended to put Plaintiff in imminent apprehension of  
4 such contact.

5           33. Defendant Fowley, in doing the things herein alleged, including intending to subject  
6 Plaintiff to multiple instances of sexual abuse and molestation, intended to cause harmful or  
7 offensive contact with Plaintiff’s person, or intended to put Plaintiff in imminent apprehension of  
8 such contact.

9           34. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a  
10 harmful or offensive contact by Defendant Bingenheimer and Defendant Fowley, and each of them.  
11 Plaintiff actually believed Defendant Bingenheimer and Defendant Fowley, and each of them, had  
12 the ability to make harmful or offensive contact with Plaintiff’s person.

13           35. Plaintiff did not consent to Defendant Bingenheimer’s intended harmful or offensive  
14 contact with Plaintiff’s person, or intent to put Plaintiff in imminent apprehension of such contact.

15           36. Plaintiff did not consent to Defendant Fowley’s intended harmful or offensive  
16 contact with Plaintiff’s person, or intent to put Plaintiff in imminent apprehension of such contact.

17           37. Additionally, because Plaintiff was a minor during the time herein alleged and lacked  
18 the ability to consent to sexual contact with any person.

19           38. In doing the things herein alleged, Defendant Bingenheimer and Defendant Fowley,  
20 and each of them, violated Plaintiff’s right, pursuant to *Civil Code* §43, of protection from bodily  
21 restraint or harm, and from personal insult. In doing the things herein alleged, Defendant  
22 Bingenheimer and Defendant Fowley, and each of them, violated his duty, pursuant to *Civil Code*  
23 §1708, to abstain from injuring the person of Plaintiff or infringing upon Plaintiff’s rights.

24           39. As a result of the above-described conduct, Plaintiff has suffered and continues to  
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
26 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment  
27 of life; has suffered and will continue to suffer and was prevented and will continue to be prevented  
28 from performing daily activities and obtaining the full enjoyment of life; will sustain loss of

**JEFF ANDERSON & ASSOCIATES PA**  
12011 San Vicente Boulevard, Suite 700  
Los Angeles, California 90049  
Telephone: 310.357.2425  
Facsimile: 651.297.6543

1 earnings and earning capacity, and/or has incurred and will continue to incur expenses for medical  
2 and psychological treatment, therapy, and counseling.

3 40. In subjecting the Plaintiff to the wrongful treatment alleged herein, Defendant  
4 Bingenheimer acted willfully and maliciously with the intent to harm Plaintiff, and in conscious  
5 disregard of Plaintiff's rights, to constitute malice and oppression under California Civil Code  
6 §3294. Plaintiff is therefore entitled to the recovery of punitive damages in a sum to be shown  
7 according to proof.

8 41. In subjecting the Plaintiff to the wrongful treatment alleged herein, Defendant  
9 Fowley acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard  
10 of Plaintiff's rights, to constitute malice and oppression under California Civil Code §3294. Plaintiff  
11 is therefore entitled to the recovery of punitive damages, in a sum to be shown according to proof.

12 ///  
13 ///  
14 ///

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JEFF ANDERSON & ASSOCIATES PA  
12011 San Vicente Boulevard, Suite 700  
Los Angeles, California 90049  
Telephone: 310.357.2425  
Facsimile: 651.297.6543

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for Judgment against Defendants as follows:

1. For past, present and future general damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial;
3. Any appropriate statutory damages, including but not limited to attorneys' fees;
4. For costs of suit;
5. For pre-judgment and post-judgment interest as allowed by law;
6. For attorneys' fees pursuant to the aforementioned statutes and otherwise allowable by law:
  - a. California Code of Civil Procedure §1021.5;
7. For exemplary and punitive damages in an amount to be determined at trial; and
8. For such other and further relief as the court may deem proper.

DATED: April 26, 2023

**JEFF ANDERSON & ASSOCIATES PA**



\_\_\_\_\_  
MICHAEL RECK  
Jeff Anderson & Associates

**KBM LAW CORP.**



\_\_\_\_\_  
KAREN BARTH MENZIES

Attorneys for Plaintiff Cari Lee Mitchell

**JEFF ANDERSON & ASSOCIATES PA**  
12011 San Vicente Boulevard, Suite 700  
Los Angeles, California 90049  
Telephone: 310.357.2425  
Facsimile: 651.297.6543

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

A trial by jury is hereby demanded by Plaintiff.

DATED: April 26, 2023

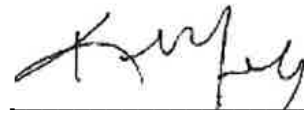
**JEFF ANDERSON & ASSOCIATES PA**



---

MICHAEL RECK  
Jeff Anderson & Associates

**KBM LAW CORP.**



---

KAREN BARTH MENZIES

Attorneys for Plaintiff, Cari Lee Mitchell