

quinn emanuel trial lawyers | new york

295 5th Avenue, New York, New York 10016-7103 | TEL (212) 849-7000 FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.
(212) 849-7364

WRITER'S EMAIL ADDRESS
alexspiro@quinnemanuel.com

December 13, 2024

VIA ECF AND EMAIL

TORRES_NYSDCHAMBERS@NYSD.USCOURTS.GOV

Honorable Analisa Torres

Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: **Jane Doe v. Sean Combs et al., 24-cv-07975-AT**

Dear Honorable Judge Torres:

We write to the Court on behalf of our client Shawn Carter on a matter of extraordinary and grave importance for the integrity of the proceedings in the above-captioned case.

Today at 7:27 PM EST, NBC News reported on an interview that its reporters conducted with the anonymous plaintiff in this case.^[1] The interview outs plaintiff's allegations for what they are: a sham.

Basic facts in her narrative – the who, what, when, and where – are wrong. She claims her father picked her up after the assault, her own father denies that ever happened. She claims she spoke with Benji Madden at the party that night, but he was on tour in the Midwest at the time, forcing her to admit “I have made some mistakes. I may have made a mistake in identifying.” She claims the assault took place at an afterparty at Mr. Combs' home but photos that night show Mr. Combs and Mr. Carter at Lotus nightclub for the afterparty. When pressed, the Plaintiff admitted she was “guessing” about key details, including the time it took to reach the venue. She admits she has no single corroborating witness over the last 24 years.

These stunning revelations make clear that the complaint filed by plaintiffs' attorney, Anthony Buzbee, therefore had no factual basis whatsoever. Even Mr. Buzbee is walking back the complaint he put his name to – excusing these glaring inconsistencies by pointing the finger at the

^[1] *Jay-Z rape accuser comes forward to NBC News, acknowledges inconsistencies in her allegations*, NBC News (December 13, 2024), <https://www.nbcnews.com/news/us-news/jay-z-rape-accuser-comes-forward-nbc-news-acknowledges-inconsistencies-rcna183435>.

case being referred by another firm who allegedly vetted the story before sending to them. The heinous allegations against Mr. Carter are patently false.

The complaint filed by plaintiffs' attorney, Anthony Buzbee, therefore had no factual basis whatsoever. The heinous allegations against Mr. Carter are patently false.

In light of those developments, it is now clear that Mr. Buzbee signed the complaints and other filings in this case in violation of Federal Rule of Civil Procedure 11. Under that rule, an attorney who signs a document assumes "an affirmative duty to conduct a reasonable inquiry into the facts and the law before filing." *Business Guides, Inc. v. Chromatic Commc'ns Enters., Inc.*, 498 U.S. 533, 551 (1991). The attorney's signature "denotes merit" in the filing and "sends a message to the district court that this document is to be taken seriously." *Id.* at 546; *New Alliance Party v. F.B.I.*, 858 F. Supp. 425, 429 (S.D.N.Y. 1994) ("[P]laintiffs may not file a complaint in this court without having made a reasonable investigation of the facts.").

In addition, attorneys who learn after filing a complaint that the factual assertions are false must immediately withdraw the claims. *See City of Yonkers v. Otis Elevator Co.*, 844 F.2d 42, 49 (2d Cir. 1988); *see also, e.g.*, ABA Model Rules of Professional Conduct, Rule 3.1 ("A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous...."); (*RC*) 2 *Pharma Connect, LLC v. Mission Pharmacal Co.*, 2022 WL 4234552, at *3 (S.D.N.Y. Sept. 14, 2022) (imposing Rule 11 sanctions for amended complaint that repeated allegation that lacked evidentiary support).

Given today's revelations, Mr. Buzbee almost certainly failed to undertake a reasonable inquiry into the facts before filing the complaint. He should never have brought the claims. *See Fox v. Boucher*, 794 F.2d 34, 38 (2d Cir. 1986) (affirming sanctions order where "[p]laintiff's complaint was entirely frivolous, and . . . was made as part of a conscious effort to harass" the defendant). At minimum, he should withdraw them now. Allowing these claims to remain pending even a moment longer not only harms Mr. Carter, his family, his businesses, his employees, and his legacy—it also impairs the integrity of the judicial system, thwarts the pursuit of justice, and silences the voices of true victims.

Furthermore, it appears that Mr. Buzbee has attempted to circumvent the authority of this Court to enforce Rule 11 and associated obligations by declining to seek admission to this Court before signing pleadings and other documents. Mr. Buzbee is not licensed to practice law in this Court, and he has not sought (let alone obtained) admission *pro hac vice*. Yet in the nearly eight weeks since he initiated this proceeding, Mr. Buzbee has filed a complaint in this matter that was signed solely by him using an "/s" signature; signed the amended complaint (alongside other counsel) that added Mr. Carter as a defendant; and noticed a motion for the plaintiff to proceed anonymously accompanied by a supporting brief and a declaration, once again signed only by him. Most recently, on December 10, 2024, Mr. Buzbee filed a letter, which he also signed alone.

Mr. Buzbee's failure to obtain admission to the bar of this Court is a transparent attempt to circumvent the basic requirements of Rule 11 and the rules of professional conduct. Admission subjects an attorney to the jurisdiction of the Court and to sanctions for signing pleadings that are not grounded in the facts and the law.¹ Mr. Buzbee thus appears to have strategically declined to seek admission in order to avoid sanctions for a complaint that he knew had no factual basis.

¹ *See, e.g., Man Wei Shiu v. New Peking Taste Inc.*, 11-CV-1175 (NGG) (RLM), at *8-9 (E.D.N.Y. May 24, 2013) (declining to refer attorney to the Disciplinary Committee of the District

Given these facts, Mr. Carter intends to file immediately a motion to strike the first amended complaint under Rules 11(c)(2) and 12(f). He respectfully requests that the Court shorten the filing deadline for that motion from 21 days to 1 day from the date of service in light of today's stunning public disclosures and the severe ongoing harm to Mr. Carter's reputation. *See* Fed. R. Civ. P. 11(c)(2); R. III(A), Judge Torres Individual Practices in Civil Cases.

Respectfully Submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP



Alex Spiro

CC: Antigone Curis

for her “inflammatory” and “extremely disturbing” conduct because “she is not admitted in this district and she has not entered an appearance in this case”); *see also* *Erbacci, Cerone, & Moriarty, Ltd. v. United States*, 923 F. Supp. 482, 485 (S.D.N.Y. 1996) (“[B]ecause plaintiffs’ counsel has not been admitted to practice before this Court [SDNY], the instant motion is not properly before this Court, and therefore, should be denied.”).

EXHIBIT A

EXCLUSIVE

U.S. NEWS

Jay-Z rape accuser comes forward to NBC News, acknowledges inconsistencies in her allegations

The woman told NBC News she came forward because “you should always advocate for yourself.” When asked about inconsistencies in her account, she added, “I have made some mistakes.”



— From left, Jay-Z and Sean "Puffy" Combs, on Nov. 7, 2000. J. Vespa / WireImage file

Dec. 13, 2024, 7:27 PM EST

By Chloe Melas, Janelle Griffith and Maite Amorebieta

HOUSTON — An Alabama woman who accused Jay-Z and Diddy of raping her when she was 13 years old sat down with NBC News to recount what she called a “catastrophic event”: a limo ride

to a white house, a drink that made her feel woozy, a sexual assault by rap stars that would ruin her life.

But the woman and her lawyers also acknowledge that there were some inconsistencies in her account in response to questions by NBC News.

ADVERTISING



“I have made some mistakes” in her recollections of that night, the woman, identified as Jane Doe in the lawsuit filed against Jay-Z and Diddy, told NBC News. The woman said she stands by her allegations overall. The inconsistencies in her account of the incident – alleged to have happened 24 years ago – do not necessarily mean the allegations are false.

Among the inconsistencies: The woman said her father picked her up after the alleged sexual assault, but he says he doesn’t recall that. The woman also claims she spoke to a celebrity at the after-party where she said she was sexually assaulted, but that celebrity said he was not in New York at that time. And images from that evening show Jay-Z, whose real name is Shawn Carter, and Sean “Diddy” Combs at a different location than the one the woman described, although their whereabouts for the entire evening are unclear.

“This incident didn’t happen,” Carter told NBC News in a statement Friday, “and yet he filed it in court and doubled down in the press” he added, referring to one of the woman’s attorneys, Tony Buzbee. “True Justice is coming. We fight FROM victory, not FOR victory. This was over before it began. This 1-800 lawyer doesn’t realize it yet, but, soon.”

Buzbee says he is continuing to vet her claims.

“Jane Doe’s case was referred to our firm by another, who vetted it prior to sending it to us. Our client remains fiercely adamant that what she has stated is true, to the best of her memory. We will continue to vet her claims and collect corroborating data to the extent it exists. Because we have interrogated her intensely, she has even agreed to submit to a polygraph. I’ve never had a client suggest that before.”

“In any event,” he added, “we always do our best to vet each claim made, just as we did in this case. This has been extremely distressing for her, to the point she has experienced seizures and had to seek medical treatment due to the stress.”

Jay-Z denies allegations that he and Sean ‘Diddy’ Combs raped a 13-year-old girl in 2000

03:32



The allegations against Carter suggested a seismic shift: potentially linking the rap legend to the alleged behavior laid out in civil and criminal cases against Combs, who is in a Brooklyn jail awaiting trial on federal sex trafficking and racketeering charges.

Carter’s attorney, Alex Spiro, said, “It is stunning that a lawyer would not only file such a serious complaint without proper vetting, but would make things worse by further peddling this false story in the press. We are asking the Court to dismiss this frivolous case today, and will take up the matter of additional discipline for Mr. Buzbee and all the lawyers that filed the complaint.”

Combs' attorneys called the suit a "shameful money grab." Buzbee has filed more than 20 lawsuits against Combs.

The lawsuit was originally filed in October in the Southern District of New York, listing Combs as a defendant, and it was refiled Sunday to name Carter as another defendant.

NBC News traveled to Houston to interview the woman, who declined to be identified, at her attorney's office earlier this week.

"You should always fight for what happened to you," she said about why she is going public with her accusations now. "You should always advocate for yourself and be a voice for yourself. You should never let what somebody else did ruin or run your life. I just hope I can give others the strength to come forward like I came forward."

The woman, who is now 38, told NBC News she was living in Rochester, New York, in 2000 and that attending the VMAs was "on my bucket list at 13. It was like, 'Oh, my gosh, one of those things I've got to do.'" She said she snuck out a window to evade her parents.

A friend drove her to Radio City Music Hall in New York City, she said in the lawsuit. People thronged into viewing areas outside the venue, which was decked out for the awards. Crowds roared when J.Lo arrived. Eminem performed on the street.

She didn't have a ticket, and said in the suit she watched some of the show on a jumbotron outside. She also started chatting up limo drivers. "I'm trying to get in to try to stay back and get to an after-party and get invited in and meet some celebrities," she told NBC News.

One limo driver said he worked for Combs and that she "fit what Diddy was looking for," the suit said, and he told her to return later and he'd take her to an after-party. After about 20 minutes in the limo, she said in the suit, she arrived at "large white residence with a gated U-shaped driveway." She said in the suit she signed a document that she didn't read.

Inside, she told NBC News, "I'm talking to, like, Fred Durst, Benji Madden, about his tattoo, because, you know, about his tattoo that's 'The Last Supper,' because I have a religious background, so it was just something to talk about."

After accepting a drink from a waitress, she told NBC News: "I started feeling funny. Tried to start looking for a place to lay down."

She found an empty room with a bed in it, she said in the suit, and soon after, Combs, Carter and a woman entered the room. "You are ready to party!" Combs said, according to the suit.

Both Combs and Carter raped her, she said. “Jay-Z comes over, holds me down. I start trying to push away. He puts his hand over my mouth, tells me to stop it, to cut the shit and and then he rapes me like he had me overpowered,” she said.

Afterward, she said in the suit, she managed to flee the house and ran to a gas station.

“I was upset, and the person at the gas station could tell that I was obviously upset, and she let me use the phone. I called my dad because he was the only person I trust at that time. I told him I messed up and I needed a ride home,” she told NBC News. “We rode home in silence. He didn’t ask me what happened. He didn’t ask me what I did or where I was.”

She told NBC News she never told anyone about the alleged assault or wrote it down in a diary. “Even if somebody found out, who was gonna believe me? I mean, it was to the word of two celebrities against mine,” she said.

The years after were hard, she said. “I got severely depressed. I withdrew completely. My grades started slipping,” and she dropped out of school. She experienced homelessness, she said, and at one point suffered a head injury. She and her father also said she was raped later in life.

She now has two children, a son and a daughter. She served less than a year in the Army National Guard and left with the rank of private. She got her high school diploma and “got my Christian counseling certification so that I can help people who have gone through what I’ve gone through,” she said.

She also said she has her applied behavior analysis certification so she can help people with autism, which she says she has. “There are so little resources to moms that don’t have the proper amount of income,” she said.

Reaction was swift in the days since the woman went public with her allegations against Carter. The rapper released a statement calling the claims “idiotic” and “heinous in nature,” and sharply criticizing her attorney.

There are some inconsistencies in her story about that night.

Her father told NBC News that he does not recall picking her up after the alleged attack, casting doubt on a key detail in her lawsuit.

According to their address at the time, her father would have driven more than five hours from their home to pick her up.

“I feel like I would remember that, and I don’t,” he said in an interview Thursday. “I have a lot going on, but I mean, that’s something that would definitely stick in my mind.”

The woman’s father, who said he learned of the alleged assault this week, added that he did remember once picking her up in the middle of the night. But, he said, it “was a local drive.”

Asked about her father’s account in a follow-up interview on Friday, the woman said she stood by her claim that he had picked her up and that it’s possible he had misremembered.

“There are a lot of things, and this is stuff that we argue about constantly, something he said or did back in New York around that time period he just doesn’t remember,” she said. “It actually causes a lot of fights sometimes in the household.”

Regarding her father’s recollections, Buzbee told NBC News, “We agree he states he doesn’t remember. His daughter explains that he was in no state to remember during that point in time due to personal issues he was having then. We are talking about a time frame more than 20 years ago.”

The woman also told NBC News she spoke with musician Benji Madden at the after-party.

But a representative for Madden confirmed that neither Benji nor his brother Joel attended the 2000 VMAs and that they were on tour in the Midwest at that time. (The woman did not accuse the brothers of any wrongdoing.)

“Honestly, what is the clearest is what happened to me and route that I took to what happened to me. Not all of the faces there are as clear,” the woman said in the Friday follow-up interview. “So I have made some mistakes. I may have made a mistake in identifying.”

The woman also could not provide further information about the after-party she said she attended.

Professional images reviewed by NBC News show Combs and Carter were among the celebrities who attended a VMAs after-party at the Lotus nightclub in New York City. It is not clear what time those images were taken, or if Combs and Carter attended any other after-parties.

The building that housed Lotus, now closed, does not match the description of the house the woman described in the lawsuit and interview.

“I didn’t know exactly where we were going or even how long it took,” the woman said when asked Tuesday where she thought she was taken that night. She added that she had guessed

about the length of time the trip had taken in the lawsuit.

Buzbee said, “We have attempted to confirm the correct location. We have never suggested the location was the Lotus club. Our client has been very specific and detailed about the description of the venue she says she was taken to, and she has never stated it was the Lotus Club.”

He added, “We won’t speculate on whether there was an after-after party, because again, she doesn’t know that.”

Also among the woman’s allegations that could not be corroborated is how she made it to New York City that night.

One of her attorneys provided NBC News with the name and birth date of the friend she said drove her, who would have been 20 at the time. That person appears to have since died. NBC News’ attempts to reach the person’s relatives were unsuccessful.



Chloe Melas

Chloe Melas is an entertainment correspondent for NBC News.



Janelle Griffith

Janelle Griffith is a national reporter for NBC News focusing on issues of race and policing.



Maite Amorebieta

Maite Amorebieta is a senior investigative producer with the NBC News Investigative Unit.

Jaquetta White and Alexandra Chaidez contributed.
