

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

LAURA HELM, formerly proceeding under)
the pseudonym "Jane Doe,")

Plaintiff,)

v.)

Usher Raymond, IV, formerly identified)
as "U.R., IV",)

Defendant.)

Civil Action File No.)
[REDACTED]

Jury Trial Demanded)

THIRD AMENDED PETITION FOR DAMAGES

COMES NOW Plaintiff Laura Helm, formerly proceeding under the pseudonym "Jane Doe" (hereinafter "Plaintiff"), who, by and through her counsel of record, hereby files her Third Amended Petition for Damages against Usher Raymond, IV, formerly identified as "U.R., IV", (hereinafter "Defendant") based upon her information and good faith belief of facts set forth herein, showing this Court as follows:

PARTIES, SERVICE OF PROCESS, JURISDICTION AND VENUE

1.

Plaintiff's name and address were not contained in the initial, amended or second amended petitions in order to protect her privacy and identity as she is an adult female who has sustained, and is sustaining, damages of a sensitive, humiliating and embarrassing nature

inflicted by Defendant as set forth below. (Plaintiff had also previously attempted to protect Defendant's privacy and identity by referring to him through his initials only.) There existed good cause for Plaintiff to use a pseudonym throughout this case; however, because Plaintiff's true identity has been improperly revealed and published, and because Defendant has attempted to stall the progression of this case by filing a motion to dismiss and asserting unfounded objections to Plaintiff's use of a pseudonym, Plaintiff has no option but to hereby amend the Petition to substitute her real name, i.e. Laura Helm, for that of "Jane Doe".

Although Defendant failed to expressly state so in his Motion to Dismiss, Plaintiff assumes Defendant is asserting similar objections to Plaintiff's use of initials to identify him instead of his real name; thus, Plaintiff also hereby amends the Petition to substitute Defendant's real name, i.e. Usher Raymond, IV, for that of his initials "U.R., IV".

Plaintiff is a citizen and resident of Fulton County, Georgia and is subject to the jurisdiction of this Court.

2.

Defendant is a citizen and resident of Fulton County, Georgia and is subject to the jurisdiction of this Court. Defendant may be served with process via his execution of an acknowledgment of service, via personal service by a process server at his residential address, via personal service by a process server at his business address, or via his attorney's execution of an acknowledgment of service on his behalf.

3.

Because Defendant is a resident of Fulton County, Georgia, and because one of Defendant's tortious acts occurred in Fulton County, Georgia, both venue and jurisdiction are proper in this Court.

OPERATIVE FACTS

4.

For a period of at least a couple of years, Plaintiff and Defendant were platonic acquaintances who had close mutual friends and socialized together several times per year.

During these times, Plaintiff and Defendant would exchange pleasantries and small talk and Defendant was always very courteous, gentlemanly, charming and respectful to Plaintiff.

Plaintiff and Defendant never engaged in any type of non-platonic or sexual conversations or actions.

5.

On or about the end of 2016 and beginning of 2017, the tenor of Defendant's conversations and conduct towards Plaintiff began to change and he began expressing a non-platonic, sexual interest in Plaintiff. Defendant began contacting Plaintiff on her cellular phone via text messaging and phone calls. Initially, during their phone calls, Defendant and Plaintiff would engage in general non-sexual conversation; however, Defendant's conversation would eventually turn sexual, at which time Plaintiff would politely divert the subject to a more platonic issue. But, Defendant persevered in expressing his sexual interest in Plaintiff.

6.

Over the next several weeks, Defendant continuously requested that Plaintiff come and socialize. Plaintiff refused to do so a number of times - - until the night of April 16, 2017,

when Plaintiff allowed Defendant to come over to her home in Atlanta, Fulton County, Georgia. When Defendant arrived at Plaintiff's home, Defendant and Plaintiff sat in Plaintiff's living room and talked for hours on a myriad of topics, including Defendant's humanitarian efforts in Africa, Defendant's concern about the general contamination and impurity of water supply sources, Defendant's installation of a complete water filtration system in his home to filter contaminants from his drinking and shower/toilet water, Defendant's lack of nervousness prior to performances, the state of American politics, and current events. Based upon their conversations, Plaintiff was immensely impressed with the concern Defendant exhibited for the environment, the commitment he expressed to public service, and the views he conveyed on issues of social justice.

7.

After Defendant and Plaintiff had conversed for hours, they began engaging in intimate and sexual relations in Plaintiff's bedroom, including skin-to-skin contact, and, after Defendant put on a condom that he brought with him, vaginal-penile intercourse. After engaging in vaginal-penile intercourse with Plaintiff, in which Defendant did not ejaculate, Defendant then removed his condom and encouraged Plaintiff to perform oral sex upon him. Plaintiff complied. Afterwards, Defendant immediately grabbed his penis and went into the bathroom. Defendant's actions prevented Plaintiff from being able to observe Defendant's ejaculate.

8.

On the night of April 28, 2017, Plaintiff met Defendant at his hotel room in New Orleans, Louisiana after Defendant, an entertainer, had returned from rehearsing for his

upcoming performance at a jazz festival. When Plaintiff arrived in Defendant's hotel room, Defendant greeted her emitting a freshly-showered scent. Plaintiff and Defendant then conversed for an indeterminate period of time, after which Defendant went upstairs to the bathroom and took a(nother) shower. He then repeatedly requested and encouraged Plaintiff to perform oral sex upon him outside on the hotel balcony -- a request that Plaintiff refused for over half an hour, but eventually acquiesced. Defendant then put on jazz music and performed oral sex upon Plaintiff. Defendant and Plaintiff then engaged in additional sexual and intimate relations, including vaginal-penile intercourse.

9.

Although Defendant brought and wore a condom during intercourse relations with Plaintiff on April 16, 2017 in Georgia, he did not produce or wear a condom during intercourse relations with Plaintiff on April 28, 2017, in Louisiana.

10.

Immediately after engaging in sexual and intimate relations with Plaintiff on April 28, 2017, Defendant leapt from the bed, grabbed his penis, ran to the bathroom, and began to shower again. Plaintiff, a bit confused by Defendant's behavior, left Defendant's hotel room while Defendant was showering. Defendant's actions prevented Plaintiff from being able to observe Defendant's ejaculate.

11.

A few days after engaging in sexual and intimate relations with Defendant on April 28, 2017, an unusual bump appeared on the inside of Plaintiff's cheek. Then, a few days later,

an unusual bump the size of a green pea that was painful to the press touch appeared on Plaintiff's vagina.

12.

Plaintiff had never experienced either of these types of bumps prior to having sexual relations with Defendant.

13.

Plaintiff did not have sexual or intimate relations with any person between the time she had sexual relations with Defendant on April 16, 2017 and the time the above-described bumps appeared in her mouth and on her vagina nor did she have sexual or intimate relations with any person except Defendant in April 2017.

14.

Less than two (2) months later, on July 19, 2017, Plaintiff learned through "breaking news" on multiple internet news sites that Defendant had become infected with the incurable Herpes Simplex 2 virus in 2009 or 2010. Plaintiff further learned that Defendant had admitted to a former sex partner (hereinafter referred to as "MFD") in 2012 that he was infected with the virus after MFD discovered a greenish discharge from his penis and that he had transmitted the incurable virus to her. Many of the internet news publications displayed pictures of sections of a legal document regarding Defendant's exposure and transmission of Herpes Simplex 2 to MFD and a document referencing Defendant's payment of \$1.1 million to MFD for the injury he had inflicted upon her.

15.

To date, Defendant has failed to contact Plaintiff, either directly or indirectly, and/or to issue a statement to the public advising that the substance of the numerous news reports regarding his infection with the incurable Herpes Simplex 2 virus and his transmission of it to MFD are false.

16.

Recently, two lawsuits in California were filed against Defendant regarding sworn allegations that Defendant had knowingly (either actually or constructively) transmitted the incurable Herpes Simplex 2 virus to three other persons without their consent or knowledge. And, as of this date, Defendant has failed to contact Plaintiff, either directly or indirectly, and/or to issue a statement to the public advising that the allegations contained in those lawsuits regarding his knowing transmission of Herpes Simplex 2 to other persons are false. Copies of those lawsuits are attached as Exhibits A and B to Plaintiff's Second Amended and are incorporated into this document as if fully set forth herein.

17.

Prior to having intimate and sexual relations with Defendant in Georgia on April 16, 2017, and in Louisiana on April 28, 2017, Plaintiff was not infected with the incurable Herpes Simplex 2 virus.

18.

Excluding Defendant, the few persons with whom Plaintiff had sexual or intimate relations are not infected with the incurable Herpes Simplex 2 virus.

19.

Prior to having intimate and sexual relations with Plaintiff in Georgia on April 16, 2017, and in Louisiana on April 28, 2017, Defendant engaged in sexual encounters with multiple persons, both male and female -- at least one of which he had actual knowledge had become infected with the incurable Herpes Simplex 2 virus during the period in which he was engaging in sexual and intimate relations with her.

20.

Prior to having intimate and sexual relations with Defendant in Georgia on April 16, 2017, and in Louisiana on April 28, 2017, Defendant knew or should have known he was infected with the incurable Herpes Simplex 2 virus.

21.

Despite Defendant having years of actual or constructive knowledge that he had been infected with the incurable Herpes Simplex 2 virus, at no time before, during or after April 16, 2017, and April 28, 2017, did Defendant inform Plaintiff that he had been infected with the incurable Herpes Simplex 2 virus.

22.

At no time before, during or after April 16, 2017, and April 28, 2017, did Defendant exhibit to Plaintiff any obvious and unmasked symptoms or manifestations of being infected with the incurable Herpes Simplex 2 virus or any other sexually transmitted disease or infection.

23.

At no time before, during or after April 16, 2017, and April 28, 2017, did Defendant exhibit any concern to Plaintiff about being his infection with the incurable Herpes Simplex 2 virus or any sexually transmitted disease or infection.

24.

At no time before, during or after April 16, 2017, and April 28, 2017, did Defendant exhibit any concern about exposing Plaintiff to or infecting Plaintiff with the Incurable Herpes Simplex 2 virus or to any other sexually transmitted disease or infection.

25.

Due to Defendant's concealment of his ejaculate on April 16, 2017, and April 28, 2017, and his complete silence about his infection with Herpes Simplex 2 virus, Plaintiff did not observe or otherwise have knowledge of Defendant's virus or any other sexually transmitted disease or infection.

26.

Had Plaintiff been aware that Defendant was infected with the Herpes Simplex 2 virus, or any other sexually transmitted disease or infection, she would not have consented to have sexual intercourse, oral sex, or any skin-to-skin contact with Defendant on or about April 16, 2017.

27.

Defendant knew that Plaintiff would not consent to having sexual and intimate relations with him on or about April 16, 2017, if Plaintiff knew that Defendant was infected with the incurable Herpes Simplex 2 virus.

28.

Had Plaintiff been aware that Defendant was infected with the Herpes Simplex 2 virus, or any other sexually transmitted disease or infection, she would not have consented to

have sexual intercourse, oral sex, or any skin-to-skin contact with Defendant on or about April 28, 2017.

29.

Defendant knew that Plaintiff would not consent to having sexual and intimate relations with him on or about April 28, 2017, if Plaintiff knew that Defendant was infected with the incurable Herpes Simplex 2 virus.

30.

Had Plaintiff been aware that Defendant was infected with the Herpes Simplex 2 virus, or any other sexually transmitted disease or infection, she would not have consented to have sexual intercourse, oral sex, or any skin-to-skin contact with Defendant at any time whatsoever.

31.

Defendant willfully and intentionally induced Plaintiff into having intimate and sexual relations and skin-to-skin contact with him by concealing and failing to disclose that he was infected with the incurable Herpes Simplex 2 virus.

32.

Plaintiff relied upon Defendant's concealment, silence and failure to warn her that he was infected with the incurable Herpes Simplex 2 virus and thus engaged in sexual and intimate relations and skin-to-skin contact with Defendant on or about April 16, 2017 and on or about April 28, 2017.

33.

Upon learning of Defendant's infection with the Incurable Herpes Simplex 2 virus, Plaintiff immediately submitted herself to testing for the virus. On Saturday, July 22, 2017, Plaintiff was devastated to learn that her test results were positive for the Herpes Simplex 2 virus.

34.

Defendant willfully and intentionally exposed Plaintiff to and infected Plaintiff with the Incurable Herpes Simplex 2 virus.

35.

Because of Defendant's tortious and fraudulent actions, Plaintiff has suffered, and continues to suffer, extreme and debilitating mental, emotional and physical distress and anguish, humiliation and embarrassment, as well as the fear of infection, and the monetary injury attendant to addressing these injuries.

36.

Plaintiff's injuries, those currently known and unknown, are the proximate cause of Defendant's tortious and fraudulent acts and omissions, and Defendant is liable to Plaintiff for all damages flowing from those tortious acts and omissions.

37.

Because Defendant's acts and omissions evidence conscious indifference to the health and safety of Plaintiff, and evidence willing sexual contact with Plaintiff despite his knowledge of his dangerous health condition and without warning her of such condition, Plaintiff seeks punitive damages against Defendant to punish him for his conduct and deter

future similar misconduct, in an amount to be determined by the enlightened conscience of the jury.

COUNT 1 – FRAUD (UNDER GEORGIA LAW)

38.

Paragraphs 1 – 37 are incorporated as if fully set forth herein.

39.

When Defendant pursued, encouraged and engaged in a sexual relationship between him and Plaintiff, and at all times relevant herein, Defendant knew or should have known that he was infected with the incurable Herpes Simplex 2 virus.

40.

Because Defendant knew or should have known that he was infected with the incurable Herpes Simplex 2 virus when he engaged in sexual and/or intimate relations with Plaintiff on or about April 16, 2017, Defendant had a duty under the law of the State of Georgia to advise and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus or to abstain from sexual or intimate contact with Plaintiff.

41.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant intentionally failed to disclose to and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus.

42.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant intentionally misrepresented himself to

Plaintiff to be in good health by concealing and failing to disclose that he was infected with the incurable Herpes Simplex 2 virus.

43.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew he had concealed and misrepresented his health to Plaintiff and failed to disclose to and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus.

44.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew that Plaintiff had no knowledge of Defendant's infection with the incurable Herpes Simplex 2 virus.

45.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew that Plaintiff would not consent to a sexual relationship if she was aware that Defendant had been infected with the incurable Herpes Simplex 2 virus.

46.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Plaintiff relied upon Defendant's misrepresentation that he was in good health and his intentional concealment of his infection with the incurable Herpes Simplex 2 virus.

47.

Plaintiff engaged in a sexual, intimate relationship with Defendant because she detrimentally relied upon Defendant's intentional and willful concealment of his infection with the incurable Herpes Simplex 2 virus and misrepresentation of his health.

48.

By engaging in sexual and/or intimate relations with Plaintiff without disclosing or warning Plaintiff of his infection with the incurable Herpes Simplex 2 virus, Defendant breached his duty under Georgia law to Plaintiff to either advise and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus or abstain from engaging in sexual or intimate relations with Plaintiff.

49.

As a direct and proximate result of Defendant's fraudulent concealment and misrepresentation, Plaintiff has been exposed to and infected with the incurable Herpes Simplex 2 virus and has suffered personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

50.

With malice aforethought, Defendant intentionally, willfully and fraudulently concealed his infection with the incurable Herpes Simplex 2 virus from Plaintiff, and exposed and infected Plaintiff with said virus, in a calculated and deliberate scheme to induce Plaintiff to engage in sexual and intimate relations with Defendant. Consequently, Plaintiff also seeks punitive damages against Defendant in an amount to be determined by the enlightened conscience of the jury.

COUNT II – FRAUD (UNDER LOUISIANA LAW)

51.

Paragraphs 1 – 50 are incorporated as if fully set forth herein.

52.

When Defendant pursued, encouraged and engaged in a sexual relationship between him and Plaintiff, and at all times relevant herein, Defendant knew or should have known that he was infected with the incurable Herpes Simplex 2 virus.

53.

Because Defendant knew or should have known that he was infected with the incurable Herpes Simplex 2 virus when he engaged in sexual and/or intimate relations with Plaintiff on or about April 28, 2017, Defendant had a duty under the law of the State of Louisiana (as established under the criminal codes of the State of Louisiana, to wit:

La.Rev.Stat. Ann. § 40:1121.2) to advise and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus or to abstain from sexual or intimate contact with Plaintiff.

54.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant intentionally failed to disclose to and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus.

55.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant intentionally misrepresented himself to

Plaintiff to be in good health by concealing and failing to disclose that he was infected with the incurable Herpes Simplex 2 virus.

56.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew he had concealed and misrepresented his health to Plaintiff and failed to disclose to and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus.

57.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew that Plaintiff had no knowledge of Defendant's infection with the incurable Herpes Simplex 2 virus.

58.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Defendant knew that Plaintiff would not consent to a sexual relationship if she was aware that Defendant had been infected with the incurable Herpes Simplex 2 virus.

59.

When Defendant pursued, encouraged and engaged in a sexual relationship with Plaintiff, and at all times relevant herein, Plaintiff relied upon Defendant's misrepresentation that he was in good health and his intentional concealment of his infection with the incurable Herpes Simplex 2 virus.

60.

Plaintiff engaged in a sexual, intimate relationship with Defendant because she detrimentally relied upon Defendant's intentional and willful concealment of his infection with the incurable Herpes Simplex 2 virus and misrepresentation of his health.

61.

By engaging in sexual and/or intimate relations with Plaintiff without disclosing or warning Plaintiff of his infection with the incurable Herpes Simplex 2 virus, Defendant breached his duty under Louisiana law to Plaintiff to either advise and warn Plaintiff that he was infected with the incurable Herpes Simplex 2 virus or abstain from engaging in sexual or intimate relations with Plaintiff.

62.

As a direct and proximate result of Defendant's fraudulent concealment and misrepresentation, Plaintiff has suffered personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

63.

With malice aforethought, Defendant intentionally, willfully and fraudulently concealed his infection with the incurable Herpes Simplex 2 virus from Plaintiff, and exposed Plaintiff to and infected Plaintiff with said virus, in a calculated and deliberate scheme to induce Plaintiff to engage in sexual and intimate relations with Defendant. Consequently, Plaintiff also seeks punitive damages against Defendant in an amount to be determined by the enlightened conscience of the jury.

COUNT 3 – NEGLIGENCE (UNDER GEORGIA LAW)

64.

Paragraphs 1 through 63 are incorporated as if fully set forth herein.

64.

On or before April 16, 2017, Defendant owed Plaintiff a duty of care to act in a reasonable manner to avoid proximately causing injury to Plaintiff.

65.

On or before April 16, 2017, Defendant knew of should have known that he was infected with the Herpes Simplex 2 virus and it was or should have been reasonably foreseeable to Defendant that engaging in sexual relations, especially unprotected, with Plaintiff would result in exposing the virus to Plaintiff.

66.

Defendant breached his duty of care to Plaintiff by failing to disclose to Plaintiff his infection or disease on, before or after April 16, 2017, by engaging in sexual relations with Plaintiff and by requesting and encouraging Plaintiff to perform oral sex upon him on April 16, 2017.

67.

As a direct and proximate result of Defendant's tortious acts and omissions, Plaintiff has suffered personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

68.

Defendant is liable to Plaintiff for all damages flowing from his tortious acts and omissions in an amount of at least \$20 million or an amount that is determined to be just by the enlightened conscience of the jury.

COUNT 4 – NEGLIGENCE (UNDER LOUISIANA LAW)

69.

Paragraphs 1 through 68 are incorporated as if fully set forth herein.

70.

On or before April 28, 2017, Defendant owed Plaintiff a duty of care to act in a reasonable manner to avoid proximately causing injury to Plaintiff.

71.

On or before April 28, 2017, Defendant knew or should have known that he was infected with the Herpes Simplex 2 virus and it was or should have been reasonably foreseeable to Defendant that engaging in sexual and intimate relations with Plaintiff would result in exposing the virus to Plaintiff.

72.

Defendant breached his duty of care to Plaintiff under Louisiana law by failing to disclose to Plaintiff his infection or disease on, before or after April 28, 2017, by engaging in sexual and intimate relations with Plaintiff and by requesting and encouraging Plaintiff to perform oral sex upon him on April 28, 2017.

73.

As a direct and proximate result of Defendant's tortious acts and omissions, Plaintiff has suffered personal injuries and damages, including but not limited to past, present and

future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

74.

Defendant is liable to Plaintiff for all damages flowing from his tortious acts and omissions in an amount of at least \$20 million or an amount that is determined to be just by the enlightened conscience of the jury.

COUNT 5 – BATTERY (UNDER GEORGIA LAW)

75.

Paragraphs 1 through 74 are incorporated as if fully set forth herein.

76.

On or about April 16, 2017, Defendant intentionally failed to disclose to Plaintiff that he was infected with the incurable Herpes Simplex 2 virus and thus touched Plaintiff and caused Plaintiff to touch him in a manner unwanted and unconsented to by Plaintiff.

77.

As a proximate cause and result of Defendant's battery against Plaintiff, Plaintiff has suffered and continues to suffer personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

78.

Defendant is liable to Plaintiff for all damages flowing from his battery against her, in an amount of at least \$20 million or that which is determined to be just by the enlightened conscience of the jury based upon the evidence presented at trial.

COUNT 6 – BATTERY (UNDER LOUISIANA LAW)

79.

Paragraphs 1 through 78 are incorporated as if fully set forth herein.

80.

On or about April 28, 2017, Defendant intentionally failed to disclose to Plaintiff that he was infected with the incurable Herpes Simplex 2 virus and thus touched Plaintiff and caused Plaintiff to touch him in a manner unwanted and unconsented to by Plaintiff.

81.

As a proximate cause and result of Defendant's battery against Plaintiff, Plaintiff has suffered and continues to suffer personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

82.

Defendant is liable to Plaintiff for all damages flowing from his battery against her, in an amount of at least \$20 million or that which is determined to be just by the enlightened conscience of the jury based upon the evidence presented at trial.

83.

**COUNT 7 – INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS (UNDER GEORGIA LAW)**

Paragraphs 1 through 82 are incorporated as if fully set forth herein.

84.

On or about April 16, 2017, Defendant intentionally failed to disclose to Plaintiff that he was infected with the incurable Herpes Simplex 2 virus prior to engaging in sexual intercourse, oral sex, and skin-to-skin contact with Plaintiff.

85.

On or about April 16, 2017, Defendant intentionally or recklessly exposed Plaintiff to and/or infected Plaintiff with the incurable Herpes Simplex 2 virus when he engaged in sexual intercourse, oral sex, and skin-to-skin contact with Plaintiff.

86.

Defendant's conduct of intentionally or recklessly failing to disclose to Plaintiff that he is infected with the incurable Herpes Simplex 2 virus and his conduct of intentionally or recklessly exposing Plaintiff to and/or infecting Plaintiff with the incurable Herpes Simplex 2 virus is extreme and outrageous conduct.

87.

Defendant's conduct of intentionally failing to disclose to Plaintiff that he is infected with the incurable Herpes Simplex 2 virus and his conduct of intentionally or recklessly exposing Plaintiff to and/or infecting Plaintiff with the incurable Herpes Simplex 2 virus has proximately caused Plaintiff to suffer extreme and severe emotional distress.

88.

As a proximate cause and result of Defendant's intentional infliction of emotional distress upon Plaintiff, Plaintiff has suffered and continues to suffer personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

89.

Defendant is liable to Plaintiff for all damages flowing from his battery against her, in an amount of at least \$20 million or that which is determined to be just by the enlightened conscience of the jury based upon the evidence presented at trial.

90.

**COUNT 8 – INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS (UNDER LOUISIANA LAW)**

Paragraphs 1 through 89 are incorporated as if fully set forth herein.

91.

On or about April 28, 2017, Defendant intentionally failed to disclose to Plaintiff that he was infected with the incurable Herpes Simplex 2 virus prior to engaging in sexual intercourse, oral sex, and skin-to-skin contact with Plaintiff.

92.

On or about April 28, 2017, Defendant intentionally or recklessly exposed Plaintiff to and/or infected Plaintiff with the Incurable Herpes Simplex 2 virus when he engaged in sexual intercourse, oral sex, and skin-to-skin contact with Plaintiff.

93.

Defendant's conduct of intentionally failing to disclose to Plaintiff that he is infected with the incurable Herpes Simplex 2 virus and his conduct of intentionally or recklessly exposing Plaintiff to and infecting Plaintiff with the incurable Herpes Simplex 2 virus is extreme and outrageous conduct.

94.

Defendant's conduct of intentionally failing to disclose to Plaintiff that he is infected with the incurable Herpes Simplex 2 virus and his conduct of intentionally or recklessly exposing Plaintiff to and infecting Plaintiff with the incurable Herpes Simplex 2 virus has proximately caused Plaintiff to suffer extreme and severe emotional distress.

95.

As a proximate cause and result of Defendant's intentional infliction of emotional distress upon Plaintiff, Plaintiff has suffered and continues to suffer personal injuries and damages, including but not limited to past, present and future mental and physical pain and suffering, attendant bills, lost wages, and loss of full enjoyment of life.

96.

Defendant is liable to Plaintiff for all damages flowing from his battery against her, in an amount of at least \$20 million or that which is determined to be just by the enlightened conscience of the jury based upon the evidence presented at trial.

97.

COUNT 9 – PUNITIVE DAMAGES (UNDER GEORGIA LAW AND LOUISIANA LAW)

Paragraphs 1 through 96 are incorporated as if fully set forth herein.

98.

Prior to engaging in sexual relations with Plaintiff and requesting and encouraging Plaintiff to perform oral sex upon him, Defendant knew or should have known that he was infected with the Herpes Simplex 2 virus.

99.

Despite Defendant's actual or constructive knowledge that he was infected with a sexually transmitted disease or infection, and despite Defendant's intentional failure to inform Plaintiff that he was infected with a sexually transmitted disease or infection, Defendant willfully, wantonly and with conscious indifference to the safety of Plaintiff, engaged in skin-to-skin contact and sexual intercourse, and encouraged oral sex from Plaintiff, knowing that such conduct would expose Plaintiff to and/or infect Plaintiff with Defendant's disease or infection.

100.

Because of Defendant's intentional misconduct, Plaintiff is entitled to an award of punitive damages in an amount determined to be sufficient to punish Defendant and deter future similar misconduct.

WHEREFORE, Plaintiff Laura Helm prays for the following relief:

- (a) That summons issue requiring Defendant Usher Raymond, IV, to appear as provided by law to answer this Petition;
- (b) That Plaintiff have a trial by jury on all issues;
- (c) That Plaintiff recover from Defendant damages for all components of the claims asserted herein;
- (d) That Plaintiff be awarded her attorney's fees and costs incurred in bringing this action; and,
- (e) For any such further relief as this Court shall deem just and appropriate.

This 19th day of September, 2017.