

4068 - Strip Club Assault - As a stripper asked her boss for her night's payment, he advised her that "you ain't getting sh@#" – he then proceeded to batter the woman – while the man was nearly a foot taller and outweighed her by more than 100 pounds, he argued at trial that he acted in self-defense

Cosby v. Classie Lady, 07-1086

Plaintiff: Vanessa B. Cantley, *Bahe Cook Cantley & Jones*, Louisville

Defense: Kyle A. Burden, *Mulhall Turner Coombs & Malone*, Louisville

Verdict: \$434,171 for plaintiff

Circuit: **Jefferson**, J. Cowan,

11-13-09

Jessica Cosby, then age 32 and a long-time stripper, was working on 10-24-07 at an establishment known as the Classie Lady. The strip joint is run by Joseph White. The evidence at trial was that while Cosby has made a career as an exotic dancer (a job that is looked down upon by some), she has in fact paid taxes and taken care of her family.

This night was to be Cosby's last on the pole at Classie Lady. She went to see White to be paid for the night – while an independent contractor, Cosby cashes out each evening. When she asked for her pay, White replied that "you ain't getting shit."

Cosby recalled that White then attacked her – there was evidence White struck her 6 or 7 times. Photographs would later reveal cuts and bruises. Cosby's medical proof developed that the beating left her with a concussion, headaches and a TMJ complication.

In this lawsuit, Cosby presented a battery claim against White regarding the unprovoked and brutal attack. Cosby incurred medical bills of \$4,171 and she sought \$100,000 more for compensatory damages. The jury could award her \$750,000 more in punitive damages.

White remembered these events differently. He recalled that an aggressive Cosby put her finger in his face – he swatted that finger away gently. Cosby next lunged at him and again White merely tried to stop her advance – in that process, Cosby simply fell. White denied beating the woman.

Thus he advanced a self-defense claim at trial, White (a muscular 240 pounds) fending off an attack by the petite (110 pound) stripper. White also presented an unusual challenge to the case. Relying on KRS 503.085 (a criminal statute), White argued he was entitled to unequivocal immunity because of his presentation of a self-defense defense. The court denied the motion and the litigation advanced.

Cosby prevailed at trial, the jury rejecting White's claim of self-defense. Then to damages, Cosby took her medicals as claimed plus \$50,000 more for suffering. This jury also elected to award punitives, assessing a penalty of \$380,000. The verdict for Cosby totaled \$434,171.

The jury was released and the jurors headed out. A single juror (who voted against the plaintiff) rode the elevator down with defense counsel. The juror advised the lawyer that the court bailiff (a deputy sheriff) had commented on his client. The story was that a juror asked how the bailiff (who had been sick that week) was feeling. The bailiff replied he'd feel better if he could beat up the defendant.

Counsel reported the remarks to the court who promptly and *sua sponte* ordered an interrogation of the jury panel. 7 of the 12 jurors had heard the statements and another 5 remarked that they had been discussed in deliberations. However none of the jurors said the bailiff's remarks had *affected* the deliberations. The case remains pending.