

John Doe v Combs

2025 NY Slip Op 33202(U)

August 26, 2025

Supreme Court, New York County

Docket Number: Index No. 151604/2025

Judge: Leslie A. Stroth

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

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JOHN DOE,

Plaintiff,

- v -

SEAN COMBS, DADDY'S HOUSE RECORDINGS, INC., CE
OPCO LLC D/B/A COMBS GLOBAL F/K/A COMBS
ENTERPRISES LLC, BAD BOY ENTERTAINMENT
HOLDINGS, INC., BAD BOY PRODUCTIONS HOLDINGS,
INC., BAD BOY BOOKS HOLDINGS, INC., BAD BOY
RECORDS LLC, BAD BOY ENTERTAINMENT
LLC, ORGANIZATIONAL DOES 1-10, INDIVIDUAL DOES 1-
10

Defendant.

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INDEX NO. 151604/2025

MOTION DATE 08/11/2025,
09/23/2025,
10/03/2025

MOTION SEQ. NO. 002 003 004

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 21, 22, 23, 24, 25, 26, 27, 32, 33, 34

were read on this motion to/for DISMISS

The following e-filed documents, listed by NYSCEF document number (Motion 003) 19, 20, 28, 35, 36, 41, 42

were read on this motion to/for DISMISS

The following e-filed documents, listed by NYSCEF document number (Motion 004) 37, 38, 40, 43, 44

were read on this motion to/for RENEWAL

FACTUAL BACKGROUND

In 2015, Plaintiff John Doe, an aspiring music artist, was invited to perform as an opening act at QC's 20/20 nightclub in Los Angeles. Defendant Sean Combs ("Mr. Combs") allegedly attended the event and, according to Plaintiff, expressed interest in potentially working with him.

Plaintiff alleges that during the after-party, he was given a drink believed to have been provided by Combs, after which he became disoriented and lost consciousness. While drifting in and out of awareness, Plaintiff claims he witnessed sexual activity involving Combs and others, and later awoke to find Combs engaging in unwanted sexual contact with him. Plaintiff further alleges that Combs threatened his career prospects when he attempted to resist. Plaintiff contends that the incident caused emotional distress and led him to abandon his music career.

Plaintiff asserts one cause of action for sexual battery pursuant to California Civil Code § 1708.5 against Mr. Combs and the associated business entities Defendants, alleging they enabled or failed to prevent the misconduct.

In Motion Sequence 002, Defendant Bad Boy Records (“BBRLLC”) moves to dismiss Plaintiff’s complaint as against BBRLLC asserting that Plaintiff’s complaint is refuted by documentary evidence, that it is time-barred and that it fails to state a cause of action. In Motion Sequence 003, remaining Defendants Sean Combs (“Mr. Combs”), Daddy’s House Recordings Inc., CE OpCo, LLC d/b/a Combs Global) f/k/a Combs Enterprises, LLC, Bad Boy Entertainment Holdings, Inc., Bad Boy Productions Holdings, Inc., Bad Boy Books Holdings, Inc., and Bad Boy Entertainment LLC, and Bad Boy Productions LLC (collectively, the “Combs Defendants”) move to dismiss, alleging that Plaintiff’s complaint is untimely and fails to state a cause of action as against those Defendants.¹ Collectively, all Defendants move on substantially similar grounds in both motions to dismiss the complaint.

In Motion Sequence 004, the Combs Defendants move to renew Motion Sequence 001, which granted Plaintiff the ability to proceed anonymously in this action.

¹ Additionally, the Court refers to all Defendants besides Mr. Combs collectively as “Company Defendants”

DEFENDANTS' MOTIONS TO DISMISS (MOTION SEQUENCES 002 & 003)*Standard of Review*

Pursuant to CPLR 3211 (a)(1) “dismissal is warranted only if the documentary evidence submitted conclusively establishes a defense to the asserted claims as a matter of law.” (*Leon v Martinez*, 84 NY2d 83, 88 [1994])

On a CPLR 3211 (a)(5) motion to dismiss, “a defendant bears the initial burden of establishing, prima facie, that the time in which to sue has expired. In considering the motion, a court must take the allegations in the complaint as true and resolve all inferences in favor of the plaintiff.” *Benn v Benn*, 82 AD3d 548, 548 (1st Dept 2011) (internal quotation marks and citation omitted). Upon such a showing, “the burden shift[s] to the plaintiff to raise a question of fact as to whether the statute of limitations was tolled or was otherwise inapplicable, or whether it actually commenced the action or interposed the subject cause of action within the applicable limitations period.” *Bailey v Peerstate Equity Fund, L.P.*, 126 AD3d 738, 740 (2d Dept 2015) (internal citations omitted). “[P]laintiff’s submissions in response to the motion must be given their most favorable intendment.” (*Benn*, 82 AD3d at 548 (internal quotation marks and citation omitted)).

Pursuant to CPLR 3211 (a) (7), a party may move to dismiss a claim on the ground that the pleading fails to state a cause of action. Upon such a motion, the Court must accept the facts alleged as true and determine simply whether plaintiff’s facts fit within any cognizable legal theory. See CPLR 3026; *Morone v Morone*, 50 NY2d 481 (1980). The complaint shall be liberally construed, and the allegations are given the benefit of every possible favorable inference. (See *Leon v Martinez*, 84 NY2d 83, 87 (1994)).

Plaintiff's Claims are Time-Barred

Defendants move to dismiss the Complaint pursuant to CPLR 3211(a)(5), arguing that Plaintiff's sole cause of action for sexual battery is untimely under New York's statute of limitations and must be dismissed pursuant to CPLR 202.

Under CPLR 202, New York's "borrowing statute," when a nonresident plaintiff brings a claim based on conduct that occurred outside New York, the action must be timely under both New York law and the law of the jurisdiction where the cause of action accrued. (*Glob. Fin. Corp. v Triarc Corp.*, 93 NY2d 525, 528 [1999].) Plaintiff is a California resident, and the alleged events giving rise to this action occurred in California. Accordingly, CPLR 202 applies.

Defendants contend that Plaintiff's claim sounds in common law battery and is therefore governed by CPLR 215(3), which imposes a one-year limitations period. Plaintiff, who does not dispute that CPLR 202 applies, argues that this is a mischaracterization, and that the applicable New York statute is CPLR 213-c, which provides for a longer limitations period in cases involving sexual offenses.

While Plaintiff contends that CPLR 213-c applies and affords him a 20-year period to file this action, this argument fails. The version of CPLR 213-c in effect at the time of the alleged conduct in 2015 provided a five-year statute of limitations. Although the statute was later amended in 2019 to extend the period to 20 years, Courts have held that CPLR 213-c is not retroactive. (*Carroll v Trump*, 650 F Supp 3d 213, 220 [SDNY 2023]; *see also Monaghan v R.C. Diocese of Rockville Ctr.* [N.Y. Sup Ct, Nassau County 2016]). Thus, even assuming arguendo that CPLR 213-c applies instead of CPLR 215(3), Plaintiff's claim, filed in 2025, remains untimely under New York law.

Plaintiff further argues that his claim is timely under California law pursuant to California Civil Code § 1708.5 and the Sexual Abuse and Cover-Up Accountability Act (Assembly Bill 2777), which created a three-year lookback window through December 31, 2026 for certain sexual assault claims. However, Plaintiff has not established that his claim qualifies under Assembly Bill 2777 or that it revives causes of action that were otherwise untimely under California's two-year statute of limitations for personal injury claims. (*Cal Civ Proc Code* § 335.1)

Even assuming California's current ten-year statute for sexual assault claims applies (*Cal Civ Proc Code* § 340.16), the events in question allegedly occurred in 2015, and Plaintiff did not file this action until 2025. Plaintiff has not alleged any facts establishing statutory tolling or revival under AB 2777. Without such showing, the Court concludes that the claim is untimely under California law as well.

Accordingly, because the action is untimely under both New York and California law, as required under CPLR 202, it must be dismissed as to all Defendants.

Failure to State a Claim – Company Defendants

The Company Defendants move to dismiss the Complaint pursuant to CPLR 3211(a)(7), arguing that Plaintiff fails to state a cognizable cause of action against them under any theory of liability. Specifically, they assert that Plaintiff's claims are impermissibly based on a theory of respondeat superior and that the allegations lack the particularity required by CPLR 3013. Plaintiff opposes the motion, arguing that the Complaint pleads alternative theories of liability and that dismissal at the pleading stage is premature.

Plaintiff's claims are time-barred under all theories of liability. As such, Plaintiff's Complaint is dismissed.

COMBS DEFENDANTS' MOTION FOR RENEWAL (MOTION SEQUENCE 004)

Having dismissed the complaint, Motion Sequence 004 is denied as moot, as there is no matter remaining before this Court.

The court has considered the remaining arguments and finds such unavailing.

Accordingly; it is hereby

ORDERED that Motions 002 and 003 to dismiss the complaint are granted, and the complaint is dismissed; and it is further

ORDERED that Motion 004 for renewal is denied as moot.

The foregoing constitutes the decision and order of the Court.



8/26/2025
DATE

HON. LESLIE A. STROTH
J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE