FILED: NEW YORK COUNTY CLERK 05/29/2013

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INDEX NO. 154912/2013

RECEIVED NYSCEF: 05/29/2013

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

Index No.

Date Purchased

Plaintiff(s) designate(s)

NEW YORK

County as the place of trial.

Plaintiff,

The basis of venue is

plaintiff's address

-against-

SUMMONS

Plaintiff(s)' address:

M.A.C. COSMETICS INC.,

STARKEEMA GREENIDGE,

132 Edgecombe Avenue, 4F

New York, New York 10030

Defendant.

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney(s) within twenty days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: New York, New York May 29, 2013 JAROSLAWICZ & JAROS, LLC

Attorneys for Plaintiff 225 Broadway, 24th Floor New York, New York 10007

(212) 227-2780

dj@lawjaros.com

By:

David Jaroslawicz

Defendant(s) address(es):

M.A.C. COSMETICS INC. 767 Fifth Avenue New York, New York 101053

152 Montague Street Brooklyn, New York 11201

SUPREME COURT OF THE ST. COUNTY OF NEW YORK		
STARKEEMA GREENIDGE,		Index No.
	Plaintiff,	VERIFIED COMPLAINT
-against-		
M.A.C. COSMETICS INC.,		
	Defendant.	
	X	

Plaintiff, by her attorneys, Jaroslawicz & Jaros, complaining of the defendants, upon information and belief, alleges as follows:

THE PARTIES

- At all times hereinafter mentioned, plaintiff is a resident of the State of New York, County of New York.
- 2. At all times hereinafter mentioned, the defendant is a foreign corporation, duly organized and existing under and by virtue of the laws of the State of Delaware, authorized to do business and doing business in the State of New York.
- 3. At all times hereinafter mentioned, defendant manufactures, promotes, and sells various cosmetic products, including lipsticks.

THE UNDERLYING FACTS

4. On or about May 7, 2013 there was a Rihanna concert at the Barclay Center in Brooklyn, New York (Exhibit A).

- 5. On May 7, 2013, plaintiff was present at the Rihanna concert (Exhibit B).
- 6. At that concert, defendant promoted and sold supplies of cosmetics, including lipsticks to the public.
 - 7. Defendant set up a sales area to sell a Rihanna-endorsed lipstick.
- 8. While plaintiff was in the area, she was approached by a M.A.C. employee or agent, who suggested that plaintiff sample a lipstick.
- 9. The defendant's employee/agent applied the lipstick directly to plaintiff's upper lip and instructed plaintiff to press her lips together to spread the lipstick around.
- 10. The lipstick that defendant's employee/agent administered to the plaintiff was not a fresh or new lipstick but rather one that had been used for other patrons.
- 11. Defendant knew, or should have known, that by failing to use a disposable sample, separate lipstick, or separate swab for each patron, it was unsanitary and exposing patrons to possible spread of disease.
- 12. Plaintiff, in fact, contracted the herpes virus as a result of the lipstick applied to her lips by defendant's employee/agent.

AS AND FOR A FIRST CAUSE OF ACTION

13. Defendant, by is agents, servants and/or employees, was reckless, careless and negligent, in failing to have sufficient and efficient personnel; in failing to properly train its personnel; in promoting its lipstick product in an unsafe manner; in failing to use fresh lipsticks or samples for each customer; in failing to use a separate swab or other

means of applying the lipstick; in permitting the same lipstick to be used by various customers; in creating a trap, hazard and nuisance; in causing plaintiff to contract the herpes in her lip area; in failing to warn; in failing to comply with applicable laws, rules and regulations; and defendant was otherwise reckless, careless and negligent.

- 14. As a result of the defendant's negligence, plaintiff suffered severe and permanent personal injuries; plaintiff contracted the herpes virus, which, once contracted, is a permanent, recurring condition; cold sores; lips became swollen; cosmetic deformity; plaintiff's physical appearance has been affected; plaintiff required medical care and attention and will require such care and attention in the future; mental anguish and emotional distress; and plaintiff has been otherwise damaged, all of which damages are permanent in nature and continuing into the future.
- 15. By reason of the foregoing, plaintiff is entitled to recover all of her damages from the defendant.

AS AND FOR A SECOND CAUSE OF ACTION

- 16. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.
- 17. Defendant, by its agents, servants, and/or employees, breached the warranty that the lipstick was of merchantable quality and fit for the purpose intended as required by the Uniform Commercial Code 2-314 *et seq*.

- 18. That the defendant represented that the lipstick it designed, manufactured and distributed was warranted and fit for the purpose intended when, in fact, the lipstick was not fit for the purpose intended; was hazardous as aforesaid; and caused plaintiff to be injured as aforesaid.
 - 19. That the defendant's warranty misrepresented the safety of the lipstick.
- 20. By reason of the defendants' breach of warranty, plaintiff was caused to suffer severe and permanent personal injuries as set forth above.
- 21. By reason of the foregoing, plaintiff is entitled to recover all of her damages from the defendant.

AS AND FOR A THIRD CAUSE OF ACTION

- 22. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.
- 23. The lipstick designed, manufactured and distributed by the defendant was defective in that it was not properly applied; did not have proper warnings or instructions; could not be properly used for circumstances of this nature; and the lipstick was otherwise defective.
- 24. As a result of the defendant's negligence, plaintiff was caused to suffer severe and permanent personal injuries as aforesaid.
- 25. By reason of the foregoing, defendant is liable to the plaintiff under the doctrine of strict product liability.

26. By reason of the foregoing, plaintiff is entitled to recover for all of her damages from the defendant.

WHEREFORE, plaintiff demands judgment against the defendant, to recover for all of her damages, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS, LLC Attorneys for Plaintiff

225 Broadway, 24th Floor

New York, New York 10007

(212) 227-2780

Byz

David Jaroslawicz

DAVID JAROSLAWICZ, a member of the firm of JAROSLAWICZ & JAROS, attorneys for the plaintiff(s) in the within action, duly admitted to practice in the Courts of the State of New York, affirms the following statements to be true under the penalties

That he has read the foregoing **Complaint** and knows the contents thereof; that the same is true to his own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

Affiant further states that the source of his information and the grounds of his belief are derived from the file maintained in the normal course of business of the attorneys for the plaintiff(s).

Affiant further states that the reason this affirmation is not made by the plaintiff(s) is that at the time this document was being prepared, the plaintiff(s) was (were) not within the County of New York, which is the County where the attorney for the plaintiff(s) herein maintains his office.

Dated:

New York, New York

May 29, 2013

of perjury, pursuant to Rule 2016 of the CPLR:

DAVID JAROSLAWICZ

WWD.com/beauty-industry-news/color-cosmetics/mac-joins-forces-with-rihanna-6780854

February 20, 2013

MAC Joins Forces With Rihanna

BySAMANTHA CONTIANDJULIE NAUGHTON

LONDON — For Rihanna, life couldn't be better.

Sure, there's the ongoing media fascination over her relationship with Chris Brown, but that's counterbalanced by her Grammywinning singing career, her new fashion collection with British retailer River Island and, now, a new, groundbreaking deal with MAC Cosmetics.

The only downside is all the media attention.

"The only thing the media really can get in the way of is my privacy," said Rihanna — fresh from taking her runway bow in a cavernous former post office sorting space in central London after the Rihanna for River Island show last weekend. "Privately, yeah, it's a pain in the ass, but at the same time they help me to get my message across. My creativity — I'll never let anyone interfere with that — because that's something I love. And if I'm not doing that, I'm wasting my time."

The MAC agreement — which Rihanna called "a no-brainer" — will help her be even more creative. In an unprecedented deal for both, MAC and the Grammy winner have collaborated on multiple collections of color cosmetics that will roll out later this year.

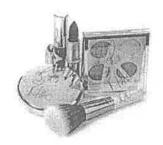
The first product to launch will be RiRi Woo, a lipstick inspired by her favorite MAC red, Ruby Woo. Its release will coincide with Rihanna's Diamonds Tour concerts on May 4 and 5 at the Barclays Center in Brooklyn, where MAC will open a pop-up shop on the first night to showcase the line.

"When you think of makeup, the brand that pops into your mind—for something legit—is MAC," said the singer, who was dressed in a black, strappy, curve-hugging dress of her own design and matching Manolo Blahnik heels during an exclusive interview with WWD. "Whatever color you want, it's like 'Let's go to MAC.' I've been using MAC on tour for such a long time it was a natural fit for me. I have always loved makeup, and I always said that if I do it, I want to do it with a credible brand."

Rihanna argues that creating makeup is no different from making songs — or clothing, for that matter. "Being creative is something that I love, so I can put that into different outlets. Music happens to be the first thing that I gravitated to, and now music opens doors to just so many different opportunities, and they all tie in. My makeup looks, my fashion looks...they help me to express



Rihanna Photo By Merry Brownfeld



Items from the collection.

Photo By John Aquino

myself as an artist. I think it helps people to understand me or my mood, my story."

Although MAC has collaborated with myriad brands and celebrities in the past, this is the first time the brand has worked with a famous person for more than just a one-off project. "We always say that MAC likes to go on a date but doesn't really want to go into a relationship," said John Demsey, group president of the Estée Lauder Cos. Inc., MAC's parent company. "This relationship with Rihanna is a long-term one that involves the development of four distinct color initiatives."

The four collections, to be known as RiRi [Hearts] MAC, will break throughout 2013, and current plans call for 31 stockkeeping units. In another first, MAC is calling Rihanna, who turns 25 years old today, a "creative partner" rather than a collaborator. Her name will appear on the packaging, and her signature will be embossed on the RiRi Woo lipstick case and on the bullets of the summer lipsticks, as well as several of the fall and holiday pieces.

RiRi Woo will be sold at the Rihanna concerts and online, and a summer collection will follow, which will also be sold online. A third will land in brick-and-mortar stores for fall, and there will be an on-counter holiday collection.

The signature piece of the lineup, RiRi Woo, will be sold with all four collections. The summer collection also includes two additional lipsticks, a Lustre Drops shade and a powder blush



Rihanna backstage at the River Island show in London.

Photo By Merry Brownfeld

duo. Fall's 16 sku's include four lipsticks, a deeply pigmented Lipglass version of RiRi Woo, two multishade eye shadow palettes and false lashes. ("She likes to wear two pairs at a time," said Jennifer Balbier, MAC's senior vice president of global product development, in an aside.) Holiday will bring another 10 items, including nail polish, a makeup bag and additional lipsticks.

Demsey stressed that the collections did not involve Rihanna slapping her name on generic product. "This was not a front," he said. "This is a true, organic collaboration based on mutual admiration and respect. These four collections are like four tracks on a Rihanna compilation. Each one has its own vibe, look, special makeup packaging and flavor. This is really the convergence of pop culture, fast fashion, and iconic style and makeup," he said, adding that he had been closely following the singer — with an eye to a potential deal — since she released her first single in 2005. "She's a star. The world follows her look — how she wears her hair, her nails, her clothing, how she styles herself."

While Demsey declined to discuss sales projections, industry sources estimated that the complete lineup could do \$15 million at retail globally.

Mert Alas and Marcus Piggott have shot the campaign for the fall and holiday collections. "And that's a #wrap on my shoot for my new #topsecret ad campaign!!!" the singer tweeted Jan. 27, sparking Internet speculation that she was doing a Chanel campaign, as she left the shoot wearing a Chanel necklace.

Seemingly everything Rihanna does makes news on an almost-daily basis — including her on-again, off-again relationship with Brown, her allegedly abusive boyfriend. When asked if that coverage was a potential downside for MAC, Demsey didn't skip a beat.

"She's a grown woman, and whatever makes her happy makes us happy. Life's complicated. Far be it for us to judge," he said.

Rihanna said she loved working on the collections — and even got her girlfriends involved. She said MAC gave her free rein with regard to packaging and colors, makeup textures and finishes, which she concocted with Balbier and James Gager, senior vice president and creative director of MAC.

"I really got to play," Rihanna said. "There's so much to choose from, and you can mix different textures with different colors and different greens in different eye shadows. I learned so much about the detail of makeup and what makes things look different. What makes it apply different is really important. Every little detail is important."

Among those details were the rose-gold packaging, which will be used for her fall collection, and compacts in a pearly white with pink accents that will be used for the holiday collection. She said that one of the biggest surprises was seeing the result. "The package that we designed and the product that we created, to see it sitting there in your hand was kind of scary. It was like, "This cannot be real," she said.

Creating RiRi Woo was a particular challenge, she said: "Working with MAC, it's difficult to get a red lipstick that beats Ruby Woo, because it works on every skin tone. I had so many different samples to choose from and so many different colors underneath — blue, yellow, orange and pink bases. And I got to pick one that worked, and I tried it on all my friends to make sure it worked on all of our skin tones."

Balbier noted that Rihanna approached the task with a laser focus. "She wanted RiRi Woo to be slightly more blue-red and retro matte — a matte with moisturizer finish we'd used in a collection years ago and currently only have in one product," she said. "She was especially adamant that the color be suitable for every skin tone."

Gager was similarly impressed. "She could name all of our creative collaborations for years back and was pulling many of them out of a bag she brought to the meeting as she explained what she wanted in her collections," he said.

As excited as she is about the MAC project, the entertainer is also reveling in her collaboration with the British high-street retailer River Island, a 120-piece collection for spring featuring sexy crop tops, hooded jumpsuits and skirts with high slits that will be sold through the retailer, and exclusively in the U.S. and Japan at Opening Ceremony.

"When it comes to creating things, I like to get my hands in there," she said. "Tonight just blew my mind, it was like a dream come true. I mean, to have a fashion show in London Fashion Week. For this to happen so quickly was just sick. It was the same with MAC. I never thought I'd be able to create makeup with such a big brand so quickly at such a young age. It's kind of sick to even say aloud when I think about it."

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Index No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

STARKEEMA GREENIDGE,

Plaintiff,

-against-

M.A.C. COSMETICS INC.,

Defendant.

Summons & Verified Complaint

LAW OFFICES OF JAROSLAWICZ & JAROS LLC 225 BROADWAY, 24TH FLOOR NEW YORK, NEW YORK 10007 (212) 227-2780