

## TORONTO LAWSUIT

# Drake, Atlanta rapper sued over alleged nightclub attack

Globe Mail  
MMSI.S.2

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Hip-hop star Drake and an Atlanta-based rapper known as Waka Flocka Flame are among the defendants in a \$4.8-million lawsuit filed by a Toronto man who alleges he was savagely beaten outside the Muzik nightclub following an "after party" event.

Akiel Catwell is alleging that the attack in August, 2012, was carried out by three bodyguards working for Waka Flocka Flame (Juaquin Malphurs) after the hip-hop performer had agreed to pose for a photograph.

Drake, his distribution company OVO Inc., and Muzik are all named as defendants because Mr. Catwell was at the nightclub with his girlfriend that evening in the VIP area, to attend an event billed as the "OVOFest Afterparty featuring Drake."

"The defendants, either individually or collectively, knew or ought to have known that this afterparty would cause or foster an environment of unusual danger to the patrons of Muzik nightclub, knowing that Muzik nightclub has a history of violence," the documents filed in Ontario Superior Court state.

Muzik, which bills itself on its website as both a "dayclub" and "nightclub" with "an unprecedented degree of luxury and service," is located on the grounds of Exhibition Place in Toronto. Celebrities, pro athletes,

entertainers, models and Mayor Rob Ford frequent the club, with nine bars located within its more than 40,000 square feet of space.

Last week, the club's owner Zlatko Starkovski persuaded the Exhibition Place board to ban all-ages events featuring electronic dance music, known as EDM, at other venues on the grounds. He said there were safety concerns and suggested drug dealers and pedophiles attend EDM events.

Mr. Catwell's statement of claim, filed earlier this year, says Drake is "personally liable" as the host of the event and his company OVO and Muzik had a legal duty "to ensure there would be no harm to its patrons" that night.

None of the allegations has been proven in court and the statements of defence filed on behalf of Drake, his company and Muzik, deny any liability for the injuries suffered by Mr. Catwell (Mr. Malphurs has been served with notice of the lawsuit, but has not filed a statement of defence).

Drake, who is represented by David Young, a former attorney-general of Ontario, says in the court documents that the hip-hop performer was not responsible for security at Muzik, nor was he near the location where the alleged assault occurred.

The damages claimed by Mr. Catwell are described as "grossly excessive" in Drake's statement

of defence.

Mr. Catwell may have provoked the attack, suggests Muzik in its statement of defence filed last month. The club denies any negligence and makes a claim against the other defendants for any money it may ultimately be required to pay out.

The lawsuit filed by Mr. Catwell lists the bodyguards only as "John Doe," since their identities are not yet known.

Mr. Catwell alleges that the incident began when he was walking outside the club with his

girlfriend and looking for a taxi at about 2:15 a.m., when they saw Mr. Malphurs near a black sport utility vehicle.

The two men shook hands and, after the girlfriend took a picture of them, the three bodyguards first pushed Mr. Catwell, then punched and kicked him until he lost consciousness, the statement of claim alleges.

Mr. Catwell suffered a concussion, three teeth were broken or chipped, and there were lacerations to his face, arms and legs, the documents state.

The management company that represents Mr. Malphurs in the U.S. could not be reached for comment about the lawsuit. The lawyers representing Mr. Catwell, and the defendants, declined to comment because the case is before the courts.

Drake is facing another lawsuit, according to media reports Thursday, launched by the estate of late jazz singer Jimmy Smith alleging Drake used a spoken-word clip without permission.

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