

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

Bruce Banner, individually and as the
administrator of the estate of
Caiera Banner, deceased,

Plaintiff,

Index No. _____

v.

Reed Richards a/k/a “Mr. Fantastic,”
Anthony Stark a/k/a “Iron Man,”
Dr. Stephen Strange, Nicholas Fury,
Fantastic Four, Inc., and
Stark International, Inc.

Defendants.

COMPLAINT FOR DAMAGES

COMES NOW Bruce Banner, Plaintiff in the above-styled action, both
individually and as administrator of the estate of Caiera Banner, deceased, by and through
his his attorney, Jennifer Walters, and files this, his Complaint for Damages, respectfully
showing the Court as follows:

Parties, Jurisdiction, and Venue

1.

Jurisdiction and venue are proper with respect to Plaintiff as he voluntarily brings
these claims in New York County against at least one New York County resident
Defendant.

2.

Defendant Reed Richards, a/k/a “Mr. Fantastic,” is currently a resident of the
State of New York, and may be served at his residence at the Baxter Building, 31st Floor,

42nd Street, New York City, New York County, New York, 10017. Jurisdiction and venue are proper in this Court against Defendant Richards as he is a resident of New York County.

3.

Defendant Anthony Stark, a/k/a “Iron Man,” is currently a resident of the State of New York, and his last known address was Stark Tower, New York City, New York County, New York, 10019. Defendant Stark may be served at his place of employment at Stark International, Nassau County, New York. Jurisdiction and venue are proper in this Court against Defendant Stark as he is a resident of New York County, and because he is a joint tortfeasor with Defendant Richards and Defendant Stark..

4.

Defendant Dr. Stephen Strange is currently a resident of the State of New York, and may be served at his residence at 177 Bleecker Drive, New York City, New York County, New York, 10012. Jurisdiction and venue are proper in this Court against Defendant Strange as he is a resident of New York County.

5.

Defendant Nicholas Fury’s current address is unknown. His last known address was S.H.I.E.L.D. Central in New York City. Because Defendant Fury is a joint tortfeasor with Defendant Richards, Defendant Stark and Defendant Strange, jurisdiction and venue are proper over him in this Court.

6.

Defendant Fantastic Four, Inc. is a domestic corporation organized and incorporated under the laws of the State of New York. The corporation’s principal office

is located at the Baxter Building, 42nd Street, New York City, New York County, New York, 10017. The corporation's registered agent for service of process is listed with the New York Secretary of State as Roberta, Baxter Building, 30th Floor, 42nd Street, New York City, New York County, New York, 10017. Jurisdiction and venue are proper in this Court against Defendant Fantastic Four, Inc. as its principal office and registered agent are located in New York County.

7.

At all times material hereto, Defendant Richards was an employee and/or agent of Defendant Fantastic Four, Inc. and was acting within the course and scope of his employment and/or agency with Defendant Fantastic Four, Inc.

8.

Defendant Fantastic Four, Inc. is vicariously liable for the negligent acts of Defendant Richards through respondeat superior.

9.

Defendant Stark International, Inc. is a domestic corporation organized and incorporated under the laws of the State of New York. The corporation's principal office is located at Stark International, Nassau County, New York. The corporation's registered agent for service of process is listed with the New York Secretary of State as Virginia Potts, Stark International, Nassau County, New York. Because Defendant Stark International, Inc. is a domestic corporation and a joint tortfeasor with Defendant Richards, Defendant Stark and Defendant Strange, jurisdiction and venue are proper over it in this Court.

10.

At all times material hereto, Defendant Stark was an agent of Defendant Stark International, Inc. and was acting within the course and scope of his agency with Defendant Stark International, Inc.

11.

Defendant Stark International, Inc. is vicariously liable for the negligent acts of Defendant Stark through respondeat superior.

Statute of Limitations

12.

Defendants' actions in removing Plaintiff from this jurisdiction prevented Plaintiff from filing this action during the one-year statute of limitations for false imprisonment.

13.

Because Plaintiff's damages were such to prevent Plaintiff from having access to this Court, the statute of limitations for Plaintiff's claims should be tolled until Plaintiff was able to return to Earth, on or about June 13, 2007.

Relevant Facts

14.

On or about January 18, 2006, Plaintiff volunteered his services to Defendant Fury and the Strategic Hazard Intervention, Espionage and Logistics Directorate (hereinafter "SHIELD") to perform a security mission in near-Earth orbit.

15.

Plaintiff was told and led to believe by Defendant Fury that, upon completion of this mission, he was to be returned home to Earth.

16.

Instead of returning Plaintiff to Earth, Defendant Richards, Defendant Stark, Defendant Strange, and Black Bolt intentionally directed Plaintiff's vehicle to transport Plaintiff to a known uninhabited alien planet, and to deposit Plaintiff on said planet without means of transport back to Earth.

17.

While informing Plaintiff of Defendants' plan for Plaintiff, Defendant Richards expressly stated to Plaintiff, "When we learned that Fury sent you into space, we had to seize the opportunity...for your sake and ours, we're sending you away."

18.

During his interstellar travel, and not as a result of any actions of Plaintiff, Plaintiff's vehicle was redirected and came to land on an inhabited alien planet, hereinafter referred to as "Sakaar."

19.

Following his arrival on Sakaar, Plaintiff was captured by the native species, detained, physically assaulted, and subsequently forced to engage in gladiatorial combat against his will.

20.

After being forced to fight multiple opponents, Plaintiff escaped his captors, married a Sakaarian woman, Caiera, and conceived a child with her.

21.

Due to intentional mechanical sabotage and/or negligence by Defendants Fury, Richards, Stark, and Strange, Plaintiff's space vehicle exploded on Sakaar, causing the deaths of several million Sakaar natives, including Plaintiff's wife and unborn child.

22.

The explosion of Plaintiff's vehicle began a chain reaction that caused the destruction of the planet Sakaar, killing most of its population.

23.

On or about June 13, 2007, Plaintiff returned to Earth for the first time since January 18, 2006.

Count I – False Imprisonment

24.

The allegations of Paragraphs 1 through 23 are hereby reincorporated by reference as if set forth fully herein.

25.

Defendants, without probable cause, wrongfully and unlawfully detained and restrained Plaintiff against his will through use of force for a period exceeding several hours

26.

Defendants' expressed intention was to wrongfully and unlawfully detain and restrain Plaintiff against his will for the remainder of his natural life.

Count II – Assault

27.

The allegations of Paragraphs 1 through 26 are hereby reincorporated by reference as if set forth fully herein.

28.

Defendants actions' in exiling Plaintiff from Earth constituted an assault on his person, was committed maliciously and sadistically for the very purpose of causing Plaintiff harm and evidenced a reckless or callous indifference to the rights of Plaintiff.

Count III – Intentional Infliction of Emotional Distress

29.

The allegations of Paragraphs 1 through 28 are hereby reincorporated by reference as if set forth fully herein.

30.

Defendants' conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress.

31.

As a proximate result of defendants' actions, Plaintiff was forcibly removed from his home, exiled on an alien world, enslaved, and forced into a life of involuntary servitude.

32.

As a further proximate result of defendants' actions and the consequences proximately caused by them, as hereinabove alleged, Plaintiff suffered severe humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body, suffering damages in an amount to be proven at trial.

Count IV – Wrongful Death

33.

The allegations of Paragraphs 1 through 20 are hereby reincorporated by reference as if set forth fully herein.

34.

Defendant Fury, Defendant Richards, Defendant Stark, and Defendant Strange were negligent and/or willfully malicious in designing, constructing, programming, and reprogramming the interstellar vehicle in which they sent Plaintiff to Sakaar.

53.

As a direct and proximate result of all Defendants' negligence and/or malicious and intentional conduct, Plaintiff's vehicle subsequently exploded on Sakaar, causing Plaintiff's wife's death.

36.

As a direct and proximate result of all Defendants' negligence and/or malicious and intentional conduct, Caiera Banner suffered a wrongful death.

Count V – Punitive Damages

37.

The allegations of Paragraphs 1 through 36 are hereby reincorporated by reference as if set forth fully herein.

38.

Because of Defendants' intentional, willful, wanton, and malicious conduct towards Plaintiff, and with a conscious disregard toward the rights of Plaintiff, punitive damages should be awarded against them in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) That process issue, and that Defendants be served with copies of Summons and Plaintiff's Complaint as prescribed by law;
- (b) That this court find that Defendant Richards, Defendant Stark, Defendant Strange, and Defendant Fury falsely imprisoned Plaintiff;
- (c) That this court find that Defendant Richards, Defendant Stark, Defendant Strange, and Defendant Fury assaulted Plaintiff;
- (d) That this court find that Defendant Richards, Defendant Stark, Defendant Strange, and Defendant Fury are responsible for the intentional infliction of emotional distress upon Plaintiff;
- (e) That this court find that Defendant Richards, Defendant Stark, Defendant Strange, and Defendant Fury are liable to Plaintiff for the wrongful death of Caiera Banner;

- (f) That this court find that Defendant Fantastic Four, Inc. and Defendant Stark International, Inc. are liable to Plaintiff under the doctrine of *respondeat superior*;
- (g) That Plaintiff be awarded damages for his pain and suffering in an amount to be proven at trial;
- (h) That judgment be made against Defendants for the wrongful death of Caiera Banner, in an amount to be proven at trial;
- (i) That Plaintiff be awarded punitive damages for Defendants' willful, wanton, and malicious conduct towards Plaintiff;
- (i) That all costs, including, but not limited to, Plaintiff's attorney's fees, be cast against the Defendants.

Respectfully submitted,

Jennifer Walters
New York Bar No. 4383175
Attorney for Plaintiff