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14 Attorneys for Plaintiff
15 MANUELA HERZER

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES

19 MANUELA HERZER, as an individual,
20 Plaintiff,

21 SHARI REDSTONE, as an individual;
TYLER KORFF, as an individual;
22 BRANDON KORFF, as an individual;
ISILELI "ISI" TUANAKI, as an individual;
23 JEREMY JAGIELLO, as an individual;
JOSEPH OCTAVIANO, as an individual;
24 GIOVANNI PAZ, as an individual;
IGOR FRANCO, as an individual;
25 FALEOLO TOIA, as an individual; and
DOES 1-50, inclusive,

26 Defendants.
27
28

Case No. _____

Assigned to _____,
Department _____

COMPLAINT FOR:

- (1) **Intentional Interference with Expected Inheritance**
- (2) **Statutory Violation of Privacy**
- (3) **Statutory Violation of Privacy, Aiding & Abetting**
- (4) **Common Law Violation of Privacy**
- (5) **Common Law Violation of Privacy, Aiding & Abetting**
- (6) **Breach of Contract**

Action filing date: _____

1 Plaintiff Manuela Herzer (“Herzer”), by her undersigned attorneys, hereby alleges as
2 follows:

3 **THE PARTIES**

4 1. Plaintiff Manuela Herzer is a natural person residing in the County of Los
5 Angeles, California.

6 2. Defendant Shari Redstone (“Shari”) is a natural person residing in Boston,
7 Massachusetts, who regularly conducts business in California, frequently visits California,
8 committed the below listed tortious acts in California, and otherwise directed her tortious conduct
9 toward Herzer, a resident of Los Angeles, California, and Shari's father, Sumner M. Redstone
10 (“Sumner”),¹ who also lives in Los Angeles, California. Shari is a member of the Massachusetts
11 bar. Shari is listed as a health care agent on Sumner’s Advance Health Care Directive (“AHCD”)
12 dated April 4, 2016. .

13 3. Defendant Tyler Korff (“Tyler”) is the son of Shari and a natural person who, on
14 information and belief, resides in Boston, Massachusetts, regularly conducts business in
15 California, frequently visits California, committed the below listed tortious acts in California, and
16 otherwise directed his tortious conduct toward Herzer, a resident of Los Angeles, California, and
17 his grandfather, Sumner, who also lives in Los Angeles, California. Tyler Korff is a member of
18 the Massachusetts bar and a rabbi.

19 4. Defendant Brandon Korff (“Brandon”) is the son of Shari and a natural person
20 who resides in the County of Los Angeles. He lives only a few miles from Sumner.

21 5. Defendant Isileli “Isi” Tuanaki is a natural person residing in the County of Los
22 Angeles, California, who works as Sumner’s driver and house manager.

23 6. Defendant Jeremy Jagiello is a natural person residing in the County of Los
24 Angeles, California, who works as Sumner’s Lead Nurse.

25 7. Defendant Joseph Octaviano is a natural person residing in the County of Los
26 Angeles, California, who works as a nurse for Sumner.

27 _____
28 ¹ Herzer intends no disrespect to Sumner Redstone or to Shari Redstone or her children, but
rather, uses their first names to avoid confusion.

1 8. Defendant Giovanni Paz is a natural person residing in the County of Los Angeles,
2 California, who previously worked as a nurse for Sumner.

3 9. Defendant Igor Franco is a natural person residing in the County of Los Angeles,
4 California, who is a nurse working for Sumner.

5 10. Defendant Faleolo Toia is a natural person residing in the County of Los Angeles,
6 California, who is a nurse working for Sumner.

7 11. Defendant DOES 1 through 50 are persons or entities whose identities are
8 presently unknown to Herzer but who are otherwise jointly and severally liable for the acts and
9 omissions alleged below. Herzer will move to substitute the true names of these Defendants
10 when Herzer learns their respective identities.

11 12. At all times, each Defendant acted as agent for their co-defendants and were acting
12 in that capacity and are responsible for the acts of each other.

JURISDICTION AND VENUE

14 13. Defendants are subject to personal jurisdiction in Los Angeles County because the
15 acts and omissions by Defendants alleged herein occurred in or caused harm to Herzer in this
16 county.

17 14. Venue is proper in Los Angeles County because the events or omissions giving rise
18 to the claims alleged herein occurred in this county, and the harm alleged herein occurred in this
19 county.

FACTUAL ALLEGATIONS

Overview

22 15. This lawsuit arises out of a notorious family feud between a father and daughter
23 over control of the family fortune. Sumner is the brilliant, tenacious, and fearless visionary who
24 took a regional theater chain and transformed it into a formidable global media empire. Along the
25 way, he endured a lawsuit brought by his son Brent a decade ago (and a \$250 million buyout of
26 the son's interest), a divorce after a half century marriage, a short-lived marriage with a school
27 teacher, and a contentious relationship with his daughter, Shari, who was not satisfied with
28 receiving a \$1 billion share of the business.

1 16. One of the brightest spots in Sumner’s life was Herzer. Starting as a romantic
2 couple for two years, their relationship evolved into a close, platonic friendship for the next 15
3 years. Herzer was one the few people who Sumner implicitly trusted. She became his confidante
4 and companion, and when his health began to fail, she was his advocate and protector.

5 17. Shari resented Herzer’s tight bond with her father who increasingly loathed Shari
6 and openly criticized her to her face and in the media. Shari blamed Herzer and Holland for her
7 father’s hostility, while the truth was that Herzer and Holland tried to be peacemakers and
8 encouraged Sumner to see Shari.

9 18. Starting in September 2014, as Sumner lay ill in a hospital room, Shari organized
10 and implemented what would eventually become a successful campaign to turn Sumner against
11 Herzer and strip Herzer not only of her role as his health care agent, but also of her inheritance.
12 Shari pulled off this coup by enlisting seven of Sumner’s staff to carry out her insidious plan and
13 then resorting literally to espionage, bribery, an illegal eviction by force, and deceit to get her
14 way. And she succeeded grandly: Sumner – in his horribly weakened and demented condition –
15 believed the lies told to him by the collaborators and eventually decided that Herzer had betrayed
16 him. Two days later, she was banished from Sumner's house, and six days later she was removed
17 from his Advance Health Care Directive and his personal trust. Literally, within 48 hours, a 17-
18 year friendship went up in smoke.

19 19. Shari had gotten her way. With Herzer no longer there to protect Sumner, Shari
20 moved in, seized control of her father’s health care, and made sure that Herzer never got a chance
21 again to see Sumner to show him that he had never been disloyal to him.

22 20. Herzer was devastated. She had promised to protect Sumner and remain by his
23 side to the end of his days. Herzer filed a petition to have his decision to change his AHCD
24 nullified because he lacked capacity and was unduly influenced by the nursing staff.

25 21. This lawsuit seeks to hold Shari and her henchmen responsible for their criminal
26 acts in intentionally destroying Herzer's special relationship with Sumner and causing Sumner to
27 disinherit her, thereby losing her \$70 million inheritance.

1 **Close, Loving Relationship Between Sumner and Herzer**

2 22. Sumner is the frail and ailing former Founder, Executive Chairman of Viacom,
3 Inc. and Executive Chairman of CBS, and his holding company is the controlling shareholder of
4 both major media companies. Once a titan in the entertainment industry, he now suffers from
5 dementia and neurological impairments that have left him mentally enfeebled and easily
6 susceptible to manipulation, fraud, and undue influence by others. Sumner’s diagnosed
7 subcortical brain damage severely impairs multiple cognitive functions, including executive
8 function, long and short-term memory, reasoning, and mood regulation, among others.

9 23. Sumner is unable to walk, talk intelligibly, dial a phone, type on a computer, text,
10 or otherwise communicate with the outside world. Sumner is totally dependent on his nursing
11 staff. His home is a virtual intensive care unit with 24/7 nursing care and on-call physicians.

12 24. There was a time not long ago when Sumner was the picture of physical health and
13 a sharp, keen mind. In 1999, when he met Herzer, Sumner was rich, charming and at the height
14 of his power. Even in his current debilitated state, he recalls falling in love with Herzer. Over
15 time, he called her “the love of my life,” “the smartest woman I ever knew.” and his “Queen” –
16 he, of course, being the “King of Hollywood.”

17 25. After they had dated for two years, Sumner proposed marriage but Herzer
18 declined. At the time, he was one of the richest men in America. Not many people – particularly
19 women – say “no” to Sumner and stay in his life. But the relationship between Sumner and
20 Herzer was special, unique, and enduring. An awesome, inspiring mutual affection and trust.

21 26. Over the years, Sumner and Herzer stayed in touch and remained close. Even as
22 Sumner divorced, remarried, and dated new women, Sumner and Herzer maintained their special
23 friendship.

24 27. Herzer adored Sumner. He was brilliant, witty, fun, and the most considerate
25 person whom she had ever met. There is nothing that he would not do for her, nor she for him.

26 28. Sumner constantly described and treated Herzer and her three children as “family.”
27 Likewise, they called him and treated him as “family.”

28 29. The bond between Herzer and Sumner was cemented in the best of times and the

1 worst of times in both their lives. While he had many girlfriends (at least five of whom he gave
2 millions of dollars each), there was only one Herzer – a best friend for life.

3 30. Herzer’s sublime relationship with Sumner stood in stark contrast to Sumner’s
4 decades-long fractious relationship with his daughter, Shari. Herzer was the friend and loving
5 companion that Shari desperately wished to be, but could not be, for Sumner. Sumner often
6 expressed his disdain for Shari and even wrote in his funeral instructions that Shari was to be
7 banned if she challenged his bequests to Herzer and his then live-in girlfriend Sydney Holland
8 (“Holland”).

9 31. In 2013, Sumner’s health began to decline and he required more intensive nursing
10 care. Sumner acquired a growing retinue of nurses, doctors, and caregivers who were required to
11 perform even the most basic functions of life.

12 32. In April 2013, Herzer moved into Sumner’s home and helped Sydney in the
13 administration of his health care. At the time, Sumner’s home health care system was run by his
14 then live-in girlfriend, Holland. Holland continued to run his health care, but Herzer closely
15 worked with Holland to oversee Sumner’s care for his complex health needs. By all accounts,
16 Holland and Herzer were an effective, caring, and vigilant team overseeing Sumner’s health care.

17 33. Herzer and Holland developed a first class health management program for
18 Sumner. They hired more skilled nurses, adopted a 24/7 staffing plan, upgraded the physicians,
19 and were constantly attentive to Sumner’s wishes and needs. Their devotion to protecting
20 Sumner’s health was widely praised.

21 34. In May of 2014, Sumner adopted an estate plan that reflected his feelings towards
22 Herzer and Holland and his antipathy toward Shari. Redstone gave Herzer and Holland
23 substantial *inter vivos* gifts (\$45 million each) and then directed that the balance of his personal
24 trust (estimated value of at least \$150 million) be split between them when he died. The taxes on
25 the gifts were to be paid by National Amusements Trust, which would be required to sell stock to
26 pay the taxes. Shari is a 20% shareholder in National Amusement, Inc. and is a beneficiary of the
27 National Amusements Trust. Redstone gave no *inter vivos* gifts to Shari or her three adult
28 children and did not bequeath them any money under his private trust.

1 **Sumner’s Stormy Relationship With Embittered Shari**

2 35. The gifts to Herzer and Holland infuriated Shari, already smarting from the strong
3 emotional connection that her father had with Herzer but not with her. Shari hired an ex-FBI
4 agent to investigate Holland and Herzer, and Shari spread false rumors about Herzer and Holland.
5 Sumner was enraged, and he directed his lawyers to sue Shari.

6 36. The animosity between father and daughter spilled into the public, and the media
7 reported their harsh words about each other. Sumner even publicly disparaged Shari in the media.
8 The House of Redstone was bitterly divided. Despite Herzer’s and Holland’s efforts to encourage
9 Sumner to visit with Shari, Sumner would not relent, frequently demeaning Shari and calling her
10 “a f#@ing bitch.” Their hate-filled relationship is aptly summarized in a recent article in

11 *Fortune*:

12 “Father and daughter had suffered from a contentious personal relationship for decades.
13 Back in 1984, he’d complained bitterly in a letter about her ‘lack of regard’ and ‘disdain’
14 for him. ‘They were like oil and water,’ says one longtime Redstone colleague. ‘He
15 never gave her anything unless he needed to do it. Everything came out of some fight,
16 some threatened lawsuit. It’s a family history that’s more about horse trading than
17 affection.’”

18 Peter Elkind (with Marty Jones), “The Disturbing Decline of Sumner Redstone,” *Fortune* (May 5,
19 2016) (<http://fortune.com/sumner-redstone-part-1/>)

20 37. With Shari’s hatred for Holland and Herzer spinning out of control, Sumner’s
21 dislike for Shari grew and grew. Although Shari was welcome, she visited her father
22 infrequently. When in Los Angeles for a CBS Board of Directors meeting, she did not visit her
23 father. Herzer continued to encourage Sumner to visit with his daughter and family, and she
24 never did anything to impede their access to Sumner. But there would be no reconciliation – not
25 surprising given the long-festering open wound in their relationship.

26 “[Redstone] began belittling his daughter’s business acumen in public – and disparaged
27 her more harshly in private. In 2007, Redstone dispatched a dismissive letter about Shari
28 to Forbes: ‘It must be remembered that I gave to my children their stock; and it is I, with

1 little or no contribution on their part, who built these great media companies....’ On
2 multiple occasions, according to witnesses, Redstone called his daughter a ‘c-t’ – in at
3 least one case, at a Viacom board meeting.”

4 *Id.*

5 38. At one point a few years ago, Shari hired a lawyer to sue her father. Things
6 eventually got so bad that father and daughter spoke only through their hired guns. Sumner
7 became so infuriated that he threatened to bar Shari from his funeral if she did not agree to refrain
8 from suing Holland and Herzer for the gifts and bequests from him after he died. Shari refused to
9 grant them a release, thereby cratering a \$1 billion buyout deal with her father. Sumner also
10 threatened to give control of his burial plots to Sydney which would have prevented Shari being
11 buried next to her father. Even with this threat, Shari would not sign a release of Holland and
12 Herzer.

13 **Herzer Vows To Protect Sumner While Shari Schemes To Tear Them Apart**

14 39. Redstone told Herzer and Holland that he distrusted Shari. “All she wants is my
15 money and power,” he told Herzer and Holland. “Shari is a greedy bitch.” Shari was equally
16 incensed at the prospect of Sumner adopting her daughter Alexander. Shari was further obsessed
17 with Keryn Redstone and constantly accused Sumner’s granddaughter through attorneys that
18 Keryn was trying to destroy her relationship with her father. Shari would attack anyone who was
19 closer to her father than her. This was a list that grew over time.

20 40. At first, Sumner was doing all that he could to protect Holland and Herzer from
21 Shari. Sumner warned Herzer and Holland to be careful, knowing that Shari would do anything
22 to banish them from his home. His premonition ultimately proved accurate. However, the roles
23 reversed when Redstone began to lose his mental capacity. With Sydney gone, Herzer was
24 Sumner’s only protector, and she promised that she would care for and protect him to the end of
25 his life.

26 41. Increasingly, an embittered Shari saw Herzer and Holland as the obstacle to taking
27 control of her father, whose health was steadily declining, and thereby controlling his media
28 empire. But Sumner adored and trusted Herzer. When Holland admitted to being unfaithful to

1 Sumner and left at the end of August 2015, Herzer was the only bulwark between Shari and
2 Sumner.

3 42. The only way that Shari could get rid of Herzer was to alienate her father's
4 affection for and trust in her. To accomplish this act of betrayal to her father, she needed inside
5 information and accomplices: she had to know what was happening in her father's home and turn
6 the nursing staff against Herzer. So, as detailed below, beginning in September 2014, she
7 recruited at least seven nurses and staff to inform on their boss, through emails and detailed
8 journals, and carry out her plan to turn her father against his best, most loyal friend.

9 43. Meanwhile, not realizing that Shari had embedded moles in his home, Sumner was
10 so worried about Shari that he had his house swept for wiretaps out of concern that Shari was
11 spying on him. Once again, Sumner demanded that Shari give Herzer and Holland a complete
12 release for their gifts from him as part of a deal between Sumner and Shari, but Shari refused.
13 The battle lines were now drawn.

14 44. Sumner also worried about Shari interfering with his relationship with Holland and
15 Herzer. He also feared that when he died, Shari would challenge these gifts and his bequests. So,
16 he paid for Herzer and Holland to hire attorneys to protect them. Subsequent events would prove
17 Sumner's suspicions well founded.

18 **Sumner's Condition Worsens and Shari Makes Her Move**

19 45. In the summer of 2014, Sumner was hospitalized three times for pneumonia. On
20 the third hospitalization, in September 2014, the pneumonia was so severe that Sumner suffered
21 brain ischemia – brain damage resulting from insufficient supply of oxygen to the brain. The
22 brain ischemia severely compromised Sumner's ability to swallow and to articulate speech and,
23 as it would turn out, aggravate his already frail physical and mental health.

24 46. Sumner's doctors recommended placing a permanent feeding tube in his abdomen.

25 47. Herzer and Holland were well acquainted with Sumner's wishes to continue living,
26 and in consultation with Sumner and his doctors, they agreed that the feeding tube should be
27 installed.

28 48. Shari, however, had other plans. While at the hospital when the decision was

1 being made to install the feeding tube, Shari and her three adult children went on a tirade in which
2 she insisted that Sumner not have the abdominal feeding tube inserted due to supposed religious
3 reasons, and if Sumner became sick again, he should be left to die at home. She even asked that a
4 “Do Not Resuscitate” form be put in his hospital folder.

5 49. Sumner, of course, objected to Shari’s callousness. He wanted to live, and he told
6 this to Shari. Unlike Shari, however, Herzer and Holland knew Sumner’s wishes and insisted on
7 the abdominal feeding tube. To this day, it is undisputed that by standing up to Shari, Herzer and
8 Holland saved Sumner’s life. But in the process they also made a mortal, determined enemy who
9 was a lawyer, knew how to use the legal system to her advantage, and would spend whatever
10 money or time it took to get her way.

11 50. Starting in September 2014 and perhaps earlier, Shari vowed to destroy Herzer and
12 Holland, to drive a wedge between Sumner and them, and to get them out of her father’s home,
13 life, and trust. She even plotted to sue to get back the money that her father had already given
14 them.

15 51. Shari’s blind ambition was so furious, her animosity toward Sumner’s two devoted
16 caregivers so extreme, that she would stop at nothing to get her way. Shari developed an
17 insidious two-part plan to destroy Herzer and Holland in her father’s eyes. First, she would
18 gather intelligence to use against Herzer to turn her father’s head. Second, she would induce her
19 father’s staff to influence him to jettison Herzer. What she could not accomplish directly, she
20 would orchestrate from outside her father’s home with private, confidential information from
21 inside his home.

22 52. For more than a year, Shari initiated the first phase of her treachery by initiating a
23 campaign of bribery, intimidation, fraud, and espionage in order to infiltrate Sumner’s house
24 through a network of nurse-informers. Shari and Sumner’s caregivers believed that they were
25 above the law. And they behaved that way.

26 53. Working in close coordination and clandestinely, Shari and her confederates/co-
27 conspirators violated criminal laws and committed a host of tortious acts ranging from
28 surreptitious recording of private conversations to violations of state and federal medical privacy

1 laws. Shari and these faithless fiduciaries believed that they could violate the law with impunity.

2 **Shari’s Campaign of Espionage and Violations of Sumner’s Privacy**

3 54. In September 2014, at a time when Sumner and his daughter were acutely
4 estranged and talking only through lawyers, Shari undertook to infiltrate her father’s home. She
5 launched her aggressive surveillance campaign by first establishing a relationship with Joseph
6 Octaviano (“Octaviano”), a star-struck licensed vocational nurse who was flattered to
7 communicate directly with Shari.

8 55. At Shari’s insistence, Octaviano, assisted by his wife, created a special email
9 account for reporting to Shari and her son Tyler, who passed along the information to his mother.
10 Like the other recruits to follow, Octaviano began furnishing regular reports to Shari and Tyler on
11 the goings-on in Sumner’s house including highly personal, confidential facts about Sumner,
12 Herzer, and Holland. For example, here are few out of many:

13 a. A September 9, 2014 email from Octaviano to Shari in which Octaviano
14 relates a conversation between Sumner and Holland in which they discussed whether to get
15 married;

16 b. A September 12, 2014 email from Octaviano states that “Sydney [Holland]
17 told us to leave the fish room so she could talk to SMR [Sumner]” but then relates the contents of
18 the conversation between them which he remains close enough to “overhear;”

19 c. A September 13, 2014 email in which Octaviano informs Shari that a nurse
20 identified as “Mike” secretly recorded conversations between Holland, Sumner and her lawyer;

21 d. A September 18, 2014 email in which Shari tells Octaviano to keep “a
22 journal of what is going on...” followed by a cryptic invocation of her desire for “justice.” Justice
23 was their code word for getting Holland and Herzer out of Sumner’s life once and for all.

24 e. An October 1, 2015 email in which Octaviano reports to Shari details of
25 Tuanaki’s request that Sumner authorize the withdrawal of cash from the bank. (Copies of these
26 five emails are attached hereto as Exhibit “A”).

27 56. At no point did Octaviano report any of the supposed misconduct by Herzer and
28 Holland to Sumner, much less inform him of Shari’s spy ring. Octaviano kept Sumner in the dark

1 and reported directly to his handlers, Shari and Tyler. Octaviano failed to notify Sumner’s
2 physician Dr. Richard Gold or anyone else in charge of his care, including but not limited to
3 Holland, Herzer, or Sumner’s attorney, Leah Bishop.

4 57. At some point, Shari instructed Octaviano to direct his reports to her son Tyler so
5 that Shari could disguise her role as ringleader. Tyler became an active participant. His brother
6 Brandon also participated in the scheme. Among other things, Brandon received confidential
7 medical information about Sumner from Jeremy Jagiello (“Jagiello”) and passed it along to his
8 mother and brother.

9 58. Herzer and Holland were demanding managers when it came to Sumner’s care.
10 They had promised to care for and protect him, and they would not tolerate neglect or
11 incompetence. On Sumner’s behalf, Herzer and Holland had nurses fired for sleeping on the job
12 and disciplined nurses for listening to headphones when they should have been monitoring
13 Sumner. This strict discipline was necessary to ensure Sumner’s health, but it also guaranteed
14 that Octaviano would find sympathetic collaborators among the nursing staff. The nurses thought
15 that they were in charge and knew better than Herzer, Holland, and Sumner’s doctors.

16 59. Giovanni Paz (“Paz”) was another nurse who Shari and Tyler Korff included in
17 their network of informers.

18 60. Like Octaviano, Paz reported the private and intimate activities in the house
19 directly to Shari and Tyler, and he never informed Sumner of his spying. After Sumner fired Paz,
20 for reasons unrelated to his spying, Shari paid Paz \$10,000 for his work to violate the privacy of
21 Sumner, Holland and Herzer.

22 61. The other nurses learned of Shari’s generous payoff to Paz and expected that they
23 would also be paid for spying on Sumner for Shari and Tyler Korff. On information and belief,
24 Shari and/or Tyler directly or indirectly gave or promised money or other items of value to the
25 other Defendants in exchange for spying on Sumner, Herzer, and Holland and influencing
26 Sumner, at his weakest point, to throw them out of the house and his life.

27 62. Another collaborator – and a devious ringleader – was nurse Jagiello. By
28 September 2015, Sumner had become almost totally dependent on Jagiello, who had achieved his

1 control and extraordinary influence over Redstone primarily by working six or seven days a week
2 on 12 hour shifts and by controlling Sumner’s access to his favorite paid “escort,” Terry
3 Holbrook (“Terry”).

4 63. Since 2010, Sumner had given Terry at least \$7 million. She was paid a large up
5 front amount of money, including a house plus monthly cash payments of at least \$4,500 for her
6 companionship at night which driver Isi Tuanaki left for her at the Beverly Park guard gate. As
7 his cognitive functions became more and more compromised, Sumner became more and more
8 obsessed with Terry, constantly demanding that she come to his bedroom. Sadly, thanks to
9 Jagiello’s deceit, Sumner believed that his relationship with Terry was true love.

10 64. Jagiello was Sumner’s primary point of contact with Terry, arranged for her visits,
11 and even stayed in the room with Sumner during his intimate encounters with Terry. Jagiello
12 exploited his ability to control Sumner’s access to Terry – and relay supposed love messages from
13 Terry to Sumner – to increase his influence over Sumner, crossing ethical and professional
14 boundaries without hesitation.

15 65. Sumner’s unhealthy dependence on Jagiello caught the attention of two other
16 nurses: Octaviano himself, and Ben Ferrer, who described Jagiello’s relationship with Sumner as
17 insidious, parasitic, and non-therapeutic.

18 66. In early October, Herzer became suspicious of Jagiello when another nurse warned
19 her that Jagiello was scheming to persuade Sumner to throw her out of his home. But it was too
20 late: the die was cast, and the conspirators were about to strike.

21 67. Jagiello developed a close relationship with Shari. He wanted to please her by
22 getting rid of Herzer and Holland who also stood in his way of total domination over Sumner.
23 Jagiello and Octaviano illegally, and without Sumner’s consent, fed Shari, Tyler Korff, and
24 Brandon Korff with sensitive, private medical information about Sumner as well as private,
25 confidential information about Herzer and Holland. Jagiello and other nurses also began to feed
26 lies to Sumner about Herzer and tell Sumner that Shari really loved him.

27 68. The other collaborators were Isileli “Isi” Tuanaki (“Tuanaki”), a Paramount driver
28 working in Sumner’s house, Igor Franco (“Franco”), a licensed vocational nurse working for

1 Sumner, and Faleolo Toia a licensed vocational nurse working for Sumner. Like Octaviano, Paz,
2 and Jagiello, each of them gathered private, confidential information about Sumner, Herzer, and
3 Holland and relayed it to Shari and Tyler, and they were active participants in the second phase of
4 Shari's campaign to destroy Herzer: tell Sumner lies that would guarantee that in his debilitated
5 physical and mental condition, he would turn against Herzer.

6 69. Early in the intelligence gathering, Shari relayed an instruction to Octaviano that
7 while she would prefer to speak with him and the other spies on the phone, her web of informers
8 should instead keep contemporaneous written notes in separate journals on alleged misconduct by
9 Herzer. Shari wanted to be sure that Sumner, Holland, and Herzer did not uncover her spying
10 operation. Shari demanded that they report on medical and non-medical private facts and
11 occurrences from Sumner's residence.

12 70. The collaborators worked closely among themselves. For example, Octaviano and
13 Tuanaki dutifully complied with Shari's marching orders, recording events they observed in notes
14 and emails to themselves and her. Tuanaki and Jagiello similarly exchanged countless text
15 messages detailing events occurring inside the house, often in vulgar terms blatantly disrespectful
16 to Sumner, Herzer and Holland. Tuanaki took advantage of Sumner by paying himself secret
17 kickbacks and illegal referral fees on a house that he arranged for Sumner to buy for his
18 granddaughter Keryn Redstone. At no time did Tuanaki disclose to Keryn or Sumner that he was
19 receiving a \$6,000 referral fee for arranging for the purchase of Keryn's home by Sumner. He
20 concealed this fact from everyone and it was learned until late April of 2016.

21 **Shari Employs Her Network of Informers and Collaborators To Wrongfully Oust Herzer**

22 71. With her network of informers and collaborators – the circle of deceit – in place,
23 Shari moved to phase two in her efforts to oust Herzer.

24 72. To accelerate the process, Shari connected her internal network of spies with a Los
25 Angeles attorney, Bonita Moore, to assist them in preparing and filing at least two false
26 complaints of elder abuse against Herzer, Holland, and Sumner's estate planning lawyer Leah
27 Bishop with Adult Protective Services. These complaints – filed in January 2015 and August
28 2015 – were so bogus that the agency, after investigating, coming to Sumner's home and

1 interviewing him, never took any action against Herzer, Holland, or Bishop. Moore represented
2 Jagiello, Octaviano, and Tuanaki, and Moore's legal fees were paid for by Shari directly or a third
3 party acting on Shari's behalf. At Octaviano's deposition, the conspiracy continued. In order to
4 conceal her real client Shari, Moore obstructed learning the truth about the source of payment of
5 Octaviano's legal fees and refused to allow her client to answer if he was paying his own legal
6 fees.

7 73. In late August 2015, Holland admitted to Sumner that she was having an affair,
8 and Sumner immediately ended the relationship. On September 3, 2015, Sumner, now 92,
9 modified his estate plan to reflect the new situation by removing Holland completely and
10 bequeathing Herzer \$50 million in addition to his Beverly Park home with an estimated value of
11 \$20 million. Sumner had already purchased an apartment at the Carlyle Hotel in New York as
12 joint tenants with Herzer so that she would get it when he passed away.

13 74. With Holland out of the house, Herzer reduced her travel and spent more time with
14 Sumner overseeing his health care. She closely monitored the nurses and demanded the highest
15 professional standards. Her diligence, attention to detail, and devotion to Sumner's best interests
16 has been widely noted. Herzer got some welcomed assistance from Sumner's granddaughter
17 Keryn Redstone whom Sumner adored and invited in September 2015 to come live with him.
18 Here presence in the house made Sumner happy.

19 75. Meanwhile, with Shari calling the shots, the network of informers/collaborators
20 intensified their misinformation campaign against Herzer and plotted an "intervention" with
21 Sumner which would be the culmination of the efforts of Shari, Tyler and Brandon to oust
22 Herzer.

23 76. The goal was in sight. Sumner's physical health worsened as his mental acuity
24 rapidly declined. Struggling to stay alive, he was at his weakest, most vulnerable point in his life.

25 77. On or about October 9, 2015, Jagiello, Franco, and Tuanaki met with Sumner.
26 Tuanaki presented Sumner with his estate planning documents, and Sumner was persuaded that
27 he had only intended to leave Herzer \$15 million, rather than the \$50 million he actually had left
28 her with the full review and approval by two separate independent attorneys and a geriatric

1 psychologist, Dr. James Spar. On information and belief, Jagiello, Franco, and Tuanaki made
2 accusations of wrongdoing against Herzer, and they told Sumner that they had been afraid to tell
3 Sumner out of fear that Herzer would fire them.

4 78. On the morning of October 10, 2015, several of the nurses (including Jagiello,
5 Franco, and Toia) and Tuanaki approached Sumner. They discussed Sumner’s “will,” and his
6 belief that he had bequeathed only \$15 million, and not \$50 million to Herzer. On information
7 and belief, the nurses again accused Herzer of disloyalty to Sumner and again told him that they
8 had been afraid to tell Sumner out of fear that Herzer would fire them.

9 79. On one side of the scales stood 17 years of friendship and over two years of
10 devoted service. On the other side of the scales were the false accusations of a handful of
11 collaborators serving as Shari’s pawns and paid surrogates. Sumner, in his enfeebled state, did
12 not consult with Herzer or conduct any investigation. Under the influence of household staff
13 directed by Shari, Sumner ended the relationship with two words “call Leah.” “Leah” was Leah
14 Bishop, his estate planning attorney.

15 80. Two days later, on October 12, 2015, Leah Bishop, claiming to act at Sumner’s
16 direction, threw Herzer out of Sumner’s home. The conspirators cheered and high-fived. Their
17 mission was accomplished, and soon Shari would descend upon the house and embed herself into
18 Sumner’s life.

19 81. After Herzer was ejected, Jagiello sought to “brief” Sumner on what happened.
20 Jagiello lied to Sumner that Herzer “stole millions of dollars from him,” had lied to him about
21 Terry’s availability, and had fabricated a letter from Holland to him. Jagiello repeated these false
22 allegations over and over again until they became a mantra. On information and belief, Sumner
23 required briefing on the day’s events because he either forgot, or was not aware, why Herzer was
24 no longer there.

25 82. On October 16, 2015, Sumner removed Herzer as his health care agent and revised
26 his estate plan to remove Herzer completely. On information and belief, this change benefited
27 Shari significantly.

28 83. Through deceit, treachery, lying, spying, an unlawful eviction, and bribery, Shari

1 had accomplished her objective. Herzer was forever banished from Sumner’s home, life, and
2 personal trust. Now no one stood in Shari’s way to control her father.

3 84. With Herzer gone, Shari and her children descended on Sumner’s Beverly Park
4 mansion and undertook to brainwash Sumner about how evil and disloyal Herzer was. They
5 removed all photos of Herzer and her family. Staff members had to sign loyalty oaths and
6 promise not to speak with Sumner about Herzer or communicate with Herzer, who had been
7 banned from ever returning. Even Sumner’s beloved granddaughter Keryn Redstone was not
8 allowed to see her grandfather after mid-February because Shari hated her and poisoned Sumner’s
9 mind with lies about Keryn, all in the pursuit of more money for herself and her three children.

10 85. out of fear that she would try to deprogram Sumner.

11 86. The tragedy of Sumner’s remaining time is that he is not able to be with the love of
12 his life whose devotion to him was unfailing or his devoted granddaughter Keryn Redstone.
13 Instead, he is a captive of a daughter whom he loathed and a nursing staff who betrayed him.
14 Sumner Redstone deserves better.

15 **FIRST CAUSE OF ACTION**

16 **(For Intentional Interference with Expected Inheritance – Against All Defendants)**

17 87. Herzer incorporates Paragraphs 1 through 86 as if stated fully herein.

18 88. Herzer had an expectancy of inheritance of at least \$70 million pursuant to
19 Sumner’s September 3, 2015 estate planning documents and verbal commitments.

20 89. Defendants caused Herzer to be deprived of her inheritance by providing Sumner
21 with false information concerning Herzer, including but not limited to that (1) Herzer had
22 obtained a larger bequest than Sumner had intended, (2) Herzer “stole millions of dollars” from
23 him, (3) Herzer lied to him about Terry’s availability and (4) Herzer had fabricated a letter to
24 Sumner from Holland.

25 90. Defendants intended to deprive Herzer of her expected inheritance.

26 91. The interference was conducted by independently tortious means, including

27 a. Violation of Penal Code 632 (a), as alleged below;

28 b. Violation of the common law right to privacy with respect to Sumner, as

1 alleged below;

2 c. Intentional misrepresentation about Herzer’s misconduct and disloyalty;

3 d. Breach of a confidential relationship.

4 (1) As to the Defendants Octaviano, Paz, Jagiello, Tuanaki and Toia
5 (collectively the “Staff Defendants”), they maintained a
6 confidential and fiduciary relationship with Sumner which they
7 breached by violating the duties of good faith and confidentiality;

8 (2) As to Shari, Tyler, and Brandon, they aided and abetted the Staff
9 Defendants’ violation of the confidential relationship and/or were
10 engaged in a civil conspiracy with the Staff Defendants to breach
11 their confidential relationship with Sumner and/or Herzer and
12 Holland.

13 e. An illegal eviction.

14 92. The interference harmed Herzer by no less than \$70 million, the amount of the
15 expected inheritance that she was deprived of by reason of Defendants’ wrongful conduct. But
16 the time that Herzer has lost in being with Sumner is priceless.

17 93. In addition, Defendants were collectively engaged in a civil conspiracy to
18 wrongfully interfere with Herzer’s inheritance. The Defendants acted in concert as evidenced by
19 the communications between Shari, Tyler, and Brandon, on the one hand, and the other
20 Defendants on the other hand, with one or all of the Defendants engaging in overt acts including
21 the above stated independently tortious acts.

22 94. By virtue of their wrongful conduct alleged above, Defendants acted with malice,
23 fraud, and oppression and are liable for punitive damages in an amount to be determined at trial.

24 **SECOND CAUSE OF ACTION**

25 **(Common Law Invasion of Privacy: Intrusion Upon Seclusion – All Defendants)**

26 95. Herzer incorporates paragraphs 1 through 94 as if stated fully herein.

27 96. Herzer maintained an objectively reasonable expectation of privacy with respect to
28 her activities and conversations in her residence, which she shared with Sumner.

1 97. Defendants intruded into places in which Herzer had an objectively reasonable
2 expectation of privacy by, among other things, eavesdropping on private conversations and
3 surveilling Herzer on behalf of Shari while Herzer was in her residence at Sumner's home.

4 98. Defendants intentionally intruded upon Herzer's privacy.

5 99. Defendants' invasion of Herzer's privacy, particularly to the extent her
6 conversations and actions in the privacy of her home were conveyed to outside third parties, was
7 highly offensive to a reasonable person.

8 100. In addition, Defendants were engaged in a civil conspiracy to violate Herzer's
9 common law right of privacy as Defendants acted in concert, and one or more of the Defendants
10 furthered the conspiracy through overt acts, including, but not limited to, eavesdropping on and
11 surveilling Herzer in her own home for purposes of gathering information for third parties and
12 inducing Sumner to disinherit Herzer.

13 101. Defendants' invasion of Herzer's privacy was a substantial factor in the harm
14 suffered by Herzer, which includes, but is not limited to, the loss of the \$70 million bequest from
15 Sumner. Without the intelligence-gathering operation (and massive invasion of privacy) initiated
16 and orchestrated by Shari, Tyler, and Brandon and carried out by the Staff Defendants, all the
17 Defendants could not have succeeded in inducing Sumner to disinherit Herzer.

18 102. By virtue of their wrongful conduct alleged above, Defendants acted with malice,
19 fraud, and oppression and are liable for punitive damages in an amount to be determined at trial.

20 **THIRD CAUSE OF ACTION**

21 **(Common Law Invasion of Privacy, Aiding and Abetting – Shari, Tyler and Brandon)**

22 103. Herzer incorporates Paragraphs 1 through 102 as if stated fully herein.

23 104. Defendants Shari, Tyler, and Brandon had knowledge of the invasion of Herzer's
24 privacy and gave substantial assistance or encouragement to the staff defendants in the invasion
25 of Herzer's privacy. Shari, Tyler, and Brandon are therefore liable for aiding and abetting the
26 Staff Defendants in their illegal conduct.

27 105. Shari, Tyler, and Brandon are liable In addition, Defendants were engaged in a
28 civil conspiracy to violate Herzer's common law right of privacy as the Defendants acted in

1 concert, and one or more of the Defendants furthered the conspiracy through overt acts, including,
2 but not limited to, eavesdropping on and surveilling Herzer in her own home for purposes of
3 gathering information for third parties and inducing Sumner to disinherit Herzer.

4 106. Defendants' invasion of Herzer's privacy was a substantial factor in the harm
5 suffered by Herzer, which includes, but is not limited to, the loss of the \$70 million bequest from
6 Sumner. Without the intelligence-gathering operation (and massive invasion of privacy) initiated
7 and orchestrated by Shari, Tyler, and Brandon \and carried out by the Staff Defendants, the Staff
8 Defendants could not have succeeded in inducing Sumner to disinherit Herzer.

9 107. By virtue of their wrongful conduct alleged above, Defendants acted with malice,
10 fraud, and oppression and are liable for punitive damages in an amount to be determined at trial.

11 **FOURTH CAUSE OF ACTION**

12 **(Statutory Violations of Penal Code 632 (a) – Jagiello and Franco)**

13 108. Herzer incorporates Paragraphs 1 through 107 as if stated fully herein.

14 109. The Staff Defendants eavesdropped upon and recorded confidential
15 communication to which Herzer, Holland, Sumner, Bishop, and others were a party by means of
16 an electronic amplifying or recording device, without the knowledge or consent of Herzer or
17 Sumner, in violation of Penal Code § 632(a).

18 110. Franco illegally videotaped Sumner while watching a film, and another nurse, at
19 Jagiello's request, tape recorded a conversation involving Sumner and Leah Bishop. On
20 information and belief, one or more of the Defendants videotaped and/or tape recorded
21 conversations involving Herzer in Sumner's home.

22 111. On information and belief, the information gleaned from the illegal recordings was
23 used by the Staff Defendants to influence wrongfully Sumner to oust Herzer and remove Herzer
24 from his estate plan, thereby damaging Herzer in the amount of no less than \$70 million.
25 Defendants' invasion of Herzer's privacy was a substantial factor in the harm suffered by Herzer.
26 Without the intelligence-gathering operation (and massive invasion of privacy) initiated and
27 orchestrated by Shari, Tyler, and Brandon, the Staff Defendants could not have succeeded in
28 inducing Sumner to disinherit Herzer.

1 112. In addition, Defendants were engaged in a civil conspiracy to violate Penal Code
2 § 632(a) as the Defendants acted in concert and one or more of the Defendants furthered the
3 conspiracy through overt acts, including, but not limited to, the creation of the illegal recordings.

4 113. Pursuant to Penal Code § 637.2, Herzer is entitled to recover three times Herzer's
5 actual damages which amount to no less than \$210 million and her reasonable attorney's fees and
6 costs.

7 114. By virtue of their wrongful conduct alleged above, Defendants acted with malice,
8 fraud, and oppression and are liable for punitive damages in an amount to be determined at trial.

9 **FIFTH CAUSE OF ACTION**

10 **(Statutory Invasion of Privacy, Aiding and Abetting – Shari, Tyler and Brandon)**

11 115. Herzer incorporates Paragraphs 1 through 114 as if stated fully herein.

12 116. Defendants Shari, Tyler, and Brandon had knowledge of the violations of Penal
13 Code § 632(a), alleged above, and gave substantial assistance or encouragement to the Staff
14 Defendants with respect to the illegal activity.

15 117. Shari organized an illegal campaign to recruit Sumner's entire medical and
16 housekeeping staff to keep journals and logs of all of Sumner's medical and non-medical private
17 affairs at his home, activities of Herzer and Holland, and private conversations involving Sumner,
18 Holland, and Herzer. Shari instructed the Staff Defendants to transmit that confidential
19 information to her, Tyler, and Brandon.

20 118. At all times, Herzer and Holland, and their children, were legal residents of
21 Sumner's home. At no time, did Herzer or Holland consent to have Shari document their private
22 lives with Sumner and the lives of their children.

23 119. It would be no different than Shari setting up internal electronic surveillance.
24 Instead, through bribes, promises, and manipulation, Shari established a network of human
25 cameras to report the private, confidential events at the residence, notwithstanding the fact that
26 every nurse and employee at the residence had signed a nondisclosure agreement which protected
27 Herzer and Holland as third party beneficiaries and co-residents of Sumner's home.

28 120. Shari, Tyler, and Brandon are therefore liable for aiding and abetting the Staff

1 Defendants in their illegal conduct.

2 121. Defendants' invasion of Herzer's privacy was a substantial factor in the harm
3 suffered by Herzer, which includes, but is not limited to, the loss of the \$70 million bequest from
4 Sumner. Without the intelligence-gathering operation (and massive invasion of privacy) initiated
5 and orchestrated by Shari, Tyler, and Brandon and carried out by the Staff Defendants, the Staff
6 Defendants could not have succeeded in inducing Sumner to disinherit Herzer.

7 122. By virtue of their wrongful conduct alleged above, Defendants acted with malice,
8 fraud, and oppression and are liable for punitive damages in an amount to be determined at trial.

9 **SIXTH CAUSE OF ACTION**

10 **(Breach of Contract – Staff Defendants)**

11 123. Herzer incorporates paragraphs 1 through 122 as if stated fully herein.

12 124. The Staff Defendants entered into a confidentiality non-disclosure agreement with
13 Sumner by which the Staff Defendants agreed not to disclose information gleaned in the course of
14 their employment.

15 125. Herzer was intended to be, and was, a third party beneficiary of the confidentiality
16 and non-disclosure agreement.

17 126. Sumner fulfilled all obligations under the confidentiality and non-disclosure
18 agreement, and the Staff Defendants are not excused from performance.

19 127. The Staff Defendants breached their contractual obligations with respect to third
20 party beneficiary Herzer to the extent they disclosed information protected by the confidentiality
21 and non-disclosure to third parties, including, but not limited to, Herzer.

22 128. The breach of the non-disclosure agreement was a substantial factor in causing
23 Herzer damages in an amount of no less than \$70 million.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Herzer prays for judgment against Defendants as follows:

26 **On All Causes of Action**

- 27 1. For damages according to proof, but in an amount of no less than \$70 million;
28 2. For costs of suit; and

1 3. For such other and further relief as the Court may deem appropriate.

2 **On The Fourth and Fifth Causes of Action**

3 1. For treble damages pursuant to Penal Code § 637.2;

4 **On The First, Second, Third, Fourth, and Fifth Causes of Action**


5 1. For punitive and exemplary damages.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a jury trial.


9 DATED: May 9, 2016

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP

11 By: 
12 BERTRAM FIELDS (SBN 024199)
13 PIERCE O'DONNELL (SBN 081298)
14 MARC M. STERN (SBN 126409)
15 PAUL A. BLECHNER (SBN 159514)
16 IRA M. STEINBERG (SBN 273997)
17 Attorneys for Petitioner Manuela Herzer

16 DATED: May 9, 2016

LAW OFFICE OF RONALD RICHARDS AND
ASSOCIATES, APC

18 By: 
19 RONALD RICHARDS (176246)
20 NICHOLAS A. BRAVO (264299)
21 Attorneys for Petitioner Manuela Herzer

Ex. A

From: Weena Octaviano [tsalapito@gmail.com]
Sent: 9/9/2014 1:11:16 AM
To: ser3737@gmail.com
Subject: from Joseph Octaviano

Dear Ma'am Shari,

This is the new email I have made just for the purpose of our conversations.

Today, your Dad was discharged around 3 pm. Upon arrival at the house, Mr. Redstone requested for a shower. The four of us, Isi, Matt, Jeremy and myself assisted in the request. After the shower we went to the fish room. As he got comfortable watching TV, Sydney came in and gave him a hug and in her words said, " Will you still marry me?" Your Dad answered, "Yes tomorrow, we will call a Rabbi."

Sydney said, "Why don't we wait for Friday, I will invite my lawyer and Manuela is here."

I'm scared that it might happened, the reason why I'm telling you.

At 7 o'clock pm, your Dad requested to be taken upstairs for bedtime. I assisted him while the 2 new RNs and one LVN, observed what I was doing. Your Dad is kinda disoriented because of new faces everyday as I noticed.

I will be reporting to you everyday as we have discussed. I am so honored to have known you.

Respectfully yours,
Joseph Octaviano, LVN

From: Weena Octaviano [tsalapito@gmail.com]
Sent: 9/12/2014 1:37:58 AM
To: Shari Redstone [ser3737@gmail.com]
Subject: Re: SMR September 10,2014

September 11, 2014

Good evening Ma'am,

I will be very transparent. I know this is very important matter.

I was there from 4:30 am until 7 pm today. At 5am, Sydney paged me to go up to take Mr. Redstone down to the fish room. I was assisted by the two new RNs, Charlie and George and one new LVN name Peter. Mr. Redstone has an episode of anxiety that very moment. Am meds was administered via NGT by RN Charlie, well tolerated. 6:20am, he had a substantial BM, which he had not done since Friday, I think it's a big hurrah. At 7am Mr. Redstone requested me to start his am care and shower. Then went back to the fish room for Little Joe's haircut. 8:30 am the board meeting started. And he listened so well with high spirit. He had speech therapy, physical therapy, respiratory therapy and one doctor's visit.

Drama...8:04 am, Sydney paged Randy to go up at SMR's room. He was there for about 15 minutes.

10:50am, I went to the laundry room to get SMR's fresh robe and gown. I saw a tall white guy wearing a suite and I believe he is Sydney's lawyer. I saw the same man with Leah last Tuesday.

10:58am, Randy left SMR and went upstairs to have a meeting with the guy I saw. As what the other RN Justin told me.

11:30 Randy went back to the fish room and I saw Sydney went up to talk to that guy in SMR's room.

11:56am I saw Sydney walked the guy out.

2pm Sydney told us to leave the fish room so she can talk to SMR. But we went to the bar so we can see SMR if he needs us. I over heard Sydney blaming SMR for the incident with Giovanni at the hospital. This is regarding the Ativan issue. SMR looks so down and stressed after that talk with Sydney. Which I think a very bad thing for her to do because it stresses him more.

Randy oriented a new female LVN yesterday named Christine from Dr. Choice agency. She is not coming back to work tomorrow because she saw Randy administered a wrong procedure by giving medicine. Instead of by gravity he did it by syringe which is against the protocol in Nurse's scope.

Have a good night and hope tomorrow will bring a better day for all of us. Until then.

Thank you
Joseph

On Wed, Sep 10, 2014 at 5:40 PM, Shari Redstone <ser3737@gmail.com> wrote:
Joseph

You are amazing. Thank you so much for the update . Sounds like it was quite a day and that the intrigue continues, I

can't thank you enough for taking such good care of my father and really caring about what is going on. We are always here for you. Knowing you are there makes us all feel better.

Do take care
Best
Shari

Sent from my iPad

> On Sep 10, 2014, at 8:26 PM, Weena Octaviano <tsalapito@gmail.com> wrote:

>

> Hi Ma'am Shari, I hope you had a good flight yesterday.

> Today I worked at 4:30am as per Sydney got off at 3pm.

> Your Dad woke up at 5am and I took him to the fish room in a wheel chair. His condition improved from yesterday. RN administered his morning medicines plus breathing treatment. His lungs sounded better than yesterday.

> Mr. Redstone requested me to give him a shave while sitting in a chair. At 7 am Jeremy, Randy and I assisted him towards his pool. We gave him his warm shower. Well tolerated. At 9am we encouraged him to go to the patio and watch television out there. Between 10 to 11, doctor from Cedars Sinai Medical Center came for a visit for re evaluation. He was doing okay while the doctor was there, but around 11:30,

> I noticed Mr. Redstone was confused. He keep asking question about his conference tomorrow.

> There are two other new LVNs that came in today for interview. When I went to the restroom I noticed two boxes of medical records of Mr. Redstone taken to the car of Sydney's secretary. I just wondered what is going on. Anyway, as I said his condition improved except for his swallowing problem. Speech therapy came in at noon and evaluated him.

>

> Thank you very much,

> Joseph Octaviano, LVN

From: Shari Redstone [ser3737@gmail.com]
Sent: 9/13/2014 9:38:46 AM
To: Weena Octaviano [tsalapito@gmail.com]
Subject: Re: SMR September 10,2014

Thank you. I am so sorry for you and so sad for all of us. These emails. Are very helpful and I do so much appreciate your letting us know what is going on.

Sent from my iPad

On Sep 13, 2014, at 3:52 AM, Weena Octaviano <tsalapito@gmail.com> wrote:
Sept 12, 2014

I understand you need not comment, this is just for your info what ever you can do to make it right for Mr. Redstone because I do care a lot for his wellbeing and for the family as a whole because I know deep down you all are good people. Those two women around him are no good. Sorry to be so blunt.

Today I started at 6 am until 8pm. Today when I arrived, Mr. Redstone is already awake and in the fish room already. He seems anxious and confused for having a lot of nurses around him. I greeted him good morning and he recognized me right away and requested to give him a shave and give oral care.

9:53 am Sydney went to the fish room and told Mr. Redstone that she is going out for a business for 90 minutes.

11:41 Sydney came back and went to the fish room and said hi to SMR and told him that her lawyers are coming to see him. She advised us to go to the kitchen when the lawyers arrives.

12 noon lawyers came and she told us to leave except for one RN. Jeremy and I went to the kitchen, but the RN Mike secretly taped the conversations as per Jeremy. Just to clarify I have nothing to do with the tape recording. Jeremy was the one that asked Mike to do so.

12:43 Sydney paged us to come back and she walked the two lawyers out, Leah and another guy different from yesterday.

When we went in the fish room, I noticed SMR looks so sad. His respiration level is up at 30rpm which is above the normal rate as I noticed. I requested Mike to check his Oz Sat, it was 97% which is very good. I asked Mike the RN why his respiration is high, he said it is caused by stress.

1:37 Brandon your son arrived. SMR was watching baseball at that time. They both watch a movie after the game. SMR was really glad to see Brandon. He keep asking Brandon questions about the movie which he gladly responded. He even requested Brandon to scratch his head. They both have a good time. He keep asking Brandon what he did that day(SMR). Brandon told me to write down his daily activity so I can just read it to him if he ask what he did. He has the tendency to ask the same question over and over.

2pm Sydney went back to the fish room and ask SMR that she needs to go out for a doctor's appointment.

2:50 Brandon left and promised Grandpy that he will be back. ASAP

3:33 Kimberly called and talked to SMR. He was so happy to talk to Kimberly even though he cannot talk properly. He told her that she is the favorite grandchild and they both said I love you to each other.

3:55 while I was sitting besides SMR, he said, "I want to die." he looks so restless and worried at that time. And I ask him why? He answered me, "too many problems." And I responded, sir we will be here for you 24/7 no matter what will happened.

4:01pm RT came to give SMR breathing treatment and chest percussion and explained that this will be good for his lungs to loosen his mucus.

4:09 Sydney came back.

5:15 Dr. Gold came

5:35 Dr. Sherman came

5:41 PT came

6:30 SMR looks so tired from all of the days activities and therapy.

6:45 He requested me to take him upstairs to go to sleep.

These are today's activities at that house. I believe Giovanni was fired today as per Isi. :(Everybody is tense right now including the housekeepers. Who knows whose next. Tomorrow is my day off. I will be there Sunday morning and my eyes and ears will be open for you.

Have a good weekend.

Joseph

On Fri, Sep 12, 2014 at 10:21 PM, Shari Redstone <ser3737@gmail.com> wrote:

I was half asleep and just realized I never got back to you. I will email you tomorrow but just wanted to say thank you, Joseph. This is all so hard and we very much appreciate everything you are doing. Please take care of yourself and know how much it means to all of us to have you there taking care of my father, I won't comment on the specifics but I hear you loud and clear. We will figure this out,

Thanks again

Best

Shari

Sent from my iPad

On Sep 12, 2014, at 1:37 AM, Weena Octaviano <tsalapito@gmail.com> wrote:

September 11, 2014

Good evening Ma'am,

I will be very transparent. I know this is very important matter.

I was there from 4:30 am until 7 pm today. At 5am, Sydney paged me to go up to take Mr. Redstone down to the fish room. I was assisted by the two new RNs, Charlie and George and one new LVN name Peter. Mr. Redstone has an episode of anxiety that very moment. Am meds was administered via NGT by RN Charlie, well tolerated. 6:20am, he had a substantial BM, which he had not done since Friday, I think it's a big hurrah. At 7am Mr. Redstone requested me to start his am care and shower. Then went back to the fish room for Little Joe's haircut. 8:30 am the board meeting started. And he listened so well with high spirit. He had speech therapy, physical therapy, respiratory therapy and one doctor's visit.

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> Today I worked at 4:30am as per Sydney got off at 3pm.

> Your Dad woke up at 5am and I took him to the fish room in a wheel chair. His condition improved from yesterday. RN administered his morning medicines plus breathing treatment. His lungs sounded better than yesterday.

> Mr. Redstone requested me to give him a shave while sitting in a chair. At 7 am Jeremy, Randy and I assisted him towards his pool. We gave him his warm shower. Well tolerated. At 9am we encouraged him to go to the patio and watch television out there. Between 10 to 11, doctor from Cedars Sinai Medical Center came for a visit for re evaluation. He was doing okay while the doctor was there, but around 11:30,

> I noticed Mr. Redstone was confused. He keep asking question about his conference tomorrow.

> There are two other new LVNs that came in today for interview. When I went to the restroom I noticed two boxes of medical records of Mr. Redstone taken to the car of Sydney's secretary. I just wondered what is going on. Anyway, as I said his condition improved except for his swallowing problem. Speech therapy came in at noon and evaluated him.

>

> Thank you very much,
> Joseph Octaviano, LVN

From: Shari Redstone [ser3737@gmail.com]
Sent: 9/18/2014 7:45:54 PM
To: Weena Octaviano [tsalapito@gmail.com]

Joseph

I know you keep tract of everything with your emails but would be great if everyone kept a journal of what is going on I. That way nobody's memory will be questioned down the road. I know everyone really wants to help and wants justice...it may just take time...

Thanks Joseph. This is so awful . We are all in so much pain,

Speak soon
Shari

Sent from my iPad

From: Weena Octaviano (salapito@gmail.com)
Subject: SMR
Date: October 1, 2015 at 8:57 PM
To: Tyler Korff (tkorff@gmail.com)

Hello Tyler, Manuela came back today at 11:45am. She brought two pairs of walking shoes for SMR, but he did not care. He continued watching his game.

At 12:15pm, Manuela came down in the living room and requested for a private talk with SMR. We the nurses, Alex RN, Matt and myself went to the kitchen while Fa stayed to interpret. Manuela paged Karyn to join them in the living room. I heard SMR yelled to Karyn, "Get out of here." SMR's anxiety level increased significantly.

12:30, Fa paged us to come back and Manuela and Karyn went upstairs.

At 2pm, Isi requested SMR to sign the withdrawal slip \$40,000 from City National Bank. He asked what it is for and how much. Isi told him that it is for the monthly expense of the house. Then he signed and asked me why we took him back to the fish room. I told him that David Andelman and Leah are coming. He asked why are they coming? He was confused and anxiety level continued to increase. Repetitive question about Terri...when is she coming...when is Jeremy coming to work.

2:11pm, Isi came to the fish room and told SMR that the meeting was cancelled and that the meeting will be tomorrow at 1:30pm with David Andelman and Leah.

3pm, episode of anxiety continued. Manuela, Karyn and Kristy went upstairs. 4pm, SMR's anxiety level decreased at this time. He won three games already. He was quiet, calm and sleepy while continued watching his game. I left at 5pm endorsing him to Mike and Ben.

He had two therapist today, Anne and Sean PT.

Manuela told Isi that she will cut my working hours :(for this month. I have no idea the reason why. Until then.
Joseph