

<p>Denver District Court, Denver, Colorado 1437 Bannock Street, Denver, Colorado 80202</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>EVGENIYA VAVRINYUK, Plaintiff  vs.  SEMYON ALEKSANDROVICH VARLAMOV, Defendant.</p>	
<p>Keith A. Fink, California State Bar No. 146841, <i>pro hac vice pending</i> FINK &amp; STEINBERG 11500 Olympic Boulevard, Suite 316 Los Angeles, California 90064 Telephone: (310) 268-0780 Facsimile: (310) 268-0790  Gordon Sanchez, Reg. No. 12919 3016 W. 107th Avenue, Unit E Westminster, CO 80031 Telephone: (720) 343-0293</p>	<p>Case Number:  Division</p>
<p><b>COMPLAINT AND JURY DEMAND</b></p>	

COMES NOW PLAINTIFF, EVGENIYA VAVRINYUK, by and through her counsel, hereby allege as follows:

**PARTIES**

1. Plaintiff EVGENIYA VAVRINYUK (“Plaintiff” and/or “Vavrinyuk”) is and at all relevant times hereto was an individual residing in the County of Denver, Colorado.

2. Defendant SEMYON ALEKSANDROVICH VARLAMOV (“Defendant” and/or “Varlamov”) is and at all times relevant hereto was an individual residing in the County of Denver, Colorado.

3. Plaintiff is unaware of the true names and capacities, whether individual, corporate, associate or otherwise, of Defendants DOES 1 to 50, inclusive (“the Doe Defendants”), and therefore sue said Doe Defendants by such fictitious names. Plaintiff will seek leave of Court to amend this Complaint to show the true names and capacities of such Doe Defendants when the same has been ascertained. Plaintiff is informed, believes, and thereupon allege that each of the fictitiously-named Defendants is responsible to Plaintiff for the injuries suffered and alleged herein, and/or is subject to the jurisdiction of the Court as necessary party for the relief herein requested.

4. Plaintiff is informed and believes that Defendant Varlamov and each of the Doe Defendants (collectively “Defendants”) are now, and were at all times mentioned herein, the agents, principals, partners, joint ventures, employees and/or alter-egos of the other Defendants, and that all of the acts and conduct alleged herein were performed within the course and scope and in furtherance of such agency, partnership, joint venture, employment and/or alter-ego relationship.

5. Jurisdiction and venue are proper in this Court because the wrongful acts and omissions alleged occurred in the County of Denver, Colorado, the harm suffered by Plaintiff occurred in the City and County of Denver, Colorado, and Defendant is and at all relevant times was a resident of and individual doing substantial business in the City and County of Denver, Colorado.

### **FACTUAL ALLEGATIONS**

6. Plaintiff repeats, re-alleges, and incorporates herein by reference paragraphs 1 through 6, inclusive, as though fully set forth herein.

7. Plaintiff Vavrinyuk is a former law student from Russia. She met Defendant Varlamov in their shared hometown Samara, Russia in 2009. They dated briefly for approximately two weeks before Varlamov left the country to begin a professional career in the National Hockey League as a professional hockey player.

8. Approximately two years later, Vavrinyuk reconnected with Defendant Varlamov when he returned to Samara after spending his first two years in the NHL. They immediately hit

it off a second time. Defendant invited Vavrinyuk to visit him in Denver, Colorado, where he lived and played with the Colorado Avalanche NHL team as a goaltender.

9. After intermittently meeting with Defendant over the next year, Defendant Varlamov returned to Russia through the NHL lockout. During this time period, Defendant Varlamov invited Plaintiff to move in with him, which she did.

10. Defendant Varlamov first attacked and beat Plaintiff Vavrinyuk in November 2012. While out at dinner on one particular evening, Defendant Varlamov drank heavily and became hostile and aggressive toward Plaintiff Vavrinyuk. When Vavrinyuk pleaded with him to return home with her and sleep off his intoxication, he grew increasingly hostile toward Plaintiff, calling her various humiliating names and slurs. Although they took a cab to go home, he announced to her during the ride that he was not going inside and that he planned to resume drinking at another bar. Plaintiff pled with Defendant to stay with her. She tried to take Defendant's cellphone out of his hands, in response to which Defendant punched Vavrinyuk in the face as they drove home in the cab. When Vavrinyuk tried to push away, Defendant repeatedly punched her in the back of her head over and over in a drunken animal rage. When they arrived at their destination, Vavrinyuk ran out of the cab. Defendant chased after her, kicking her in the back into the snow, grabbing her by the hair, and punching and kicking her repeatedly while Vavrinyuk lay helpless on the ground. When he was finished, he took his cellphone out of Vavrinyuk's hands, returned to the waiting cab, and left.

11. The following day, Vavrinyuk woke in the afternoon, bruised and bloodied. When she saw Defendant, he swore to her that he loved her more than anything and that he felt ashamed and embarrassed at his behavior the night before. He begged her for a second chance. He told her that he was so drunk he had no control over his behavior, that he would never drink as much again, and that he would never beat or attack her again. Believing Defendant's lies, Plaintiff Vavrinyuk continued to date and live with Defendant.

13. During this time period and through the ultimate end of their relationship in October 2013, Defendant Varlamov continued to beat and attack Plaintiff Vavrinyuk. He beat her at home so badly their neighbors called the police. Although police showed up, they refused to file any report or press charges on Plaintiff Vavrinyuk's behalf due to Defendant Varlamov's celebrity hockey player status in Russia. The officers even shook his hand and wished him the best of luck the following season after speaking to the beaten and bruised Vavrinyuk. Defendant Varlamov beat Vavrinyuk again approximately one month later, breaking down her room door and pulling her out of the room and onto the ground by her hair. Every time Defendant beat Vavrinyuk, he apologized to her the next day, blamed the alcohol, professed his undying love for Vavrinyuk, and begged her to give him a second chance, which she repeatedly did.

14. When the NHL lockout ended in early January 2013, Defendant Varlamov invited Plaintiff to move with him to the U.S. and live with him there, which offer she accepted.

15. Approximately one month after Vavrinyuk moved to the U.S. with Defendant, Defendant told Vavrinyuk that he wanted her to move back to Russia. Defendant Varlamov told Vavrinyuk that he believed he might seriously hurt Vavrinyuk if and when he got drunk again. He bought her a plane ticket and gave her \$500 cash to return to Russia. A few short months thereafter, however, Defendant Varlamov changed his mind. He repeatedly contacted Plaintiff and begged her to return. Defendant Varlamov told Vavrinyuk that he was miserable without her, that she was the love of his life, and that he could not stand another moment without her. He promised her that he would never ever beat or lay hands on her again in the future. He begged for her forgiveness. Again hoping that Defendant's lies were true, Vavrinyuk returned to Defendant Varlamov.

16. In June 2013, Plaintiff Vavrinyuk went on vacation with Defendant to the Maldives islands. Approximately one week into the vacation, Defendant Varlamov again grew extremely drunk and began screaming and throwing things at Plaintiff Vavrinyuk at a bar. After they left, he continued his aggressive, violent behavior, pulling Vavrinyuk's hair down to the ground to force her face into a muddy puddle of water. He then dragged her to their hotel room where he continued to beat her and throw things at her through the evening. His repeated attacks caused Vavrinyuk to bleed all over the hotel room floor and furnishings. Defendant Varlamov continued to beat Vavrinyuk until he passed out exhausted from the effort.

17. The following morning, Defendant Varlamov shook Plaintiff awake. In a panic, Varlamov pleaded with Vavrinyuk to help him clean up the bloody mess he had created in their hotel room. He told Plaintiff that their hotel room neighbors may have heard them fighting and that security may be sent to the room any minute. Defendant Varlamov feared possible arrest and begged Vavrinyuk, his repeat victim, to help Varlamov hide evidence of his attack on her. Varlamov otherwise cried, begged Plaintiff for forgiveness, and again blamed his out-of-control alcoholism for his violent behavior. Plaintiff Vavrinyuk helped him clean the hotel room, but not before photographing some of the bloody mess he had made repeatedly throwing her against the hotel room walls. Shortly thereafter, the couple separated.

18. In August 2013, Varlamov returned to training camp in Lancaster, Pennsylvania. Approximately one month after that, Plaintiff Vavrinyuk reconnected with Defendant Varlamov in Denver, Colorado, on or around September 18, 2013. The two agreed to meet face-to-face in Denver. Defendant Varlamov specifically invited Plaintiff Vavrinyuk to attend a Halloween party at a bar called the "Chophouse" on October 28, 2013. He also offered his place for her to stay, and she agreed.

19. During this party, Defendant Varlamov grew increasingly drunk and aggressive toward Vavrinyuk and others. At one point during the party, Varlamov approached Vavrinyuk and demanded that she go home with him in a surly, slurred manner. Vavrinyuk demurred and left the party early. She went to Varlamov's apartment to sleep.

20. At around 6:00 a.m. the following morning of October 29, 2013, Defendant Varlamov went home and again attacked Plaintiff Vavrinyuk. As before, Defendant Varlamov approached Plaintiff Vavrinyuk in a menacing manner with closed fists and stated his intention of striking Plaintiff with his hands and feet and of killing Plaintiff. In so doing, Defendant intended to place Plaintiff Vavrinyuk in apprehension of great bodily harm and/or death. As a result of Defendant's acts, Plaintiff Vavrinyuk in fact was placed in great apprehension and fear of great bodily harm and/or death.

21. Immediately thereafter, Defendant Varlamov struck Plaintiff Vavrinyuk in the face and on her body with his fists, knocking her to the ground, whereupon Defendant dragged Plaintiff by her hair across the room, kicked her repeatedly when she lay on the ground crying for him to stop, and focused his blows in particular on her head and face, presumably to inflict the maximum amount of pain upon Plaintiff Vavrinyuk. In so doing, Defendant Varlamov acted with the intent to make direct contact with Plaintiff Vavrinyuk's body and to inflict bodily harm upon her.

22. Defendant Varlamov periodically interrupted his attack by picking up Plaintiff's suitcase and clothing and throwing it out his front door, screaming at her that she could not live there and had to leave immediately. When he finished beating Vavrinyuk, Defendant Varlamov left the apartment.

23. Plaintiff Vavrinyuk feared for her life. She could not contact local police herself because she did not speak English fluently. She had few or no friends in the United States, and she feared that local police and state authorities would discount any criminal complaint she made just as Russian police had done in Russia on account of Varlamov's celebrity hockey player status. Rather than go to police, Vavrinyuk instead went to school on or about October 29, 2013. A friend subsequently observed her bruises, asked her what happened, and contacted the police on her behalf.

24. As a direct and proximate result of the above-described acts by Defendant, Plaintiff has suffered and will continue to suffer loss of her personal reputation, shame, mortification, and emotional distress all to her general damage.

**FIRST CAUSE OF ACTION**

**ASSAULT**

**(By Plaintiff Against Defendant And Does 1-50)**

25. Plaintiff repeats, re-alleges, and incorporates by reference the above paragraphs as though fully set forth herein.

26. On or around October 29, 2013, at Plaintiff's former residence in Denver, CO, Defendant Varlamov approached Plaintiff Vavrinyuk in a menacing manner with closed fists and stated his intention of striking Plaintiff with his hands and feet and of killing Plaintiff.

27. In so doing, Defendant intended to place Plaintiff Vavrinyuk in apprehension of great bodily harm and/or death.

28. As a result of Defendant's acts, Plaintiff Vavrinyuk in fact was placed in great apprehension and fear of great bodily harm and/or death.

29. As a direct and proximate result of the above-described acts by Defendant, Plaintiff has suffered and will continue to suffer loss of her personal reputation, shame, mortification, past and future medical costs, and emotional distress all to her general damage, plus interest accrued and growing.

30. Defendant's acts as described above were willful, oppressive, fraudulent, and malicious, thereby entitling Plaintiff to recover exemplary and punitive damages against Defendant in amounts according to proof at trial. Plaintiff reserves the right to claim punitive damages after discovery as required by statute.

## **SECOND CAUSE OF ACTION**

### **BATTERY**

#### **(By Plaintiff Against Defendant And Does 1-50)**

31. Plaintiff repeats, re-alleges, and incorporates by reference the above paragraphs as though fully set forth herein.

32. On or around October 29, 2013, at Plaintiff's former residence in Denver, CO, Defendant Varlamov approached Plaintiff Vavrinyuk in a menacing manner with closed fists and stated his intention of striking Plaintiff with his hands and feet and of killing Plaintiff.

33. In so doing, Defendant intended to place Plaintiff Vavrinyuk in apprehension of great bodily harm and/or death.

34. As a result of Defendant's acts, Plaintiff Vavrinyuk in fact was placed in great apprehension and fear of great bodily harm and/or death.

35. Immediately thereafter, Defendant Varlamov struck Plaintiff Vavrinyuk in the face and on her body with his fists, knocking her to the ground, whereupon Defendant dragged Plaintiff by her hair across the room, kicked her repeatedly when she lay on the ground crying for him to stop, and focused his blows in particular on her head and face, presumably to inflict the maximum amount of pain upon Plaintiff Vavrinyuk.

36. In so doing, Defendant Varlamov acted with the intent to make direct contact with Plaintiff Vavrinyuk's body and to inflict bodily harm upon her.

37. As a direct and proximate result of the above-described acts by Defendant, Plaintiff has suffered and will continue to suffer loss of her personal reputation, shame, mortification, past and future medical costs, and emotional distress all to her general damage, plus interest accrued and growing.

38. Defendant's acts as described above were willful, oppressive, fraudulent, and malicious, thereby entitling Plaintiff to recover exemplary and punitive damages against Defendant in amounts according to proof at trial. Plaintiff reserves the right to claim punitive damages after discovery as required by statute.

**THIRD CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS**

**(By Plaintiff Against Defendant And Does 1-50)**

39. Plaintiff repeats, re-alleges, and incorporates by reference the above paragraphs as though fully set forth herein.

40. Defendant's conduct toward Plaintiff, as alleged above, was outrageous, unprivileged, outside the bounds of normal behavior, and was done either with the intent to cause emotional distress or with reckless disregard of the probability of causing such emotional distress.

41. As a direct and proximate result of Defendant's aforementioned conduct, Plaintiff has suffered and will continue in the future to suffer:

- a. A substantial reduction in past and current income, and future income potential in sums as may be shown according to proof;
  - b. A substantial injury and damage to her reputation in a sum as may be shown according to proof;
- and
- c. Extreme humiliation, embarrassment, depression, sleeplessness, emotional pain, and severe emotional distress which culminated in physical injury and bodily injury, suffering, mental anguish, inconvenience, loss of enjoyment of life, past and future medical costs, and other losses from the date of said acts all to Plaintiff's damage in a sum as may be shown according to proof.

42. Defendant's acts as described above were willful, oppressive, fraudulent, and malicious, thereby entitling Plaintiff to recover exemplary and punitive damages against Defendant in amounts according to proof at trial. Plaintiff reserves the right to claim punitive damages after discovery as required by statute.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff EVGENIYA VAVRINYUK prays for judgment against Defendant SEMYON ALEKSANDROVICH VARLAMOV, and Does 1 through 50 as follows:

1. For general and compensatory damages, including prejudgment interest, in accordance with proof at the time of trial;
  2. For punitive damages, as the Complaint will be amended and alleged at a later time and thus to be determined at trial;
  3. For Plaintiff's costs and attorneys' fees, where permitted;
- and
4. For such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby makes a demand for a trial by jury on all issues pursuant to **C.R.C.P., Rule 38** and has paid the requisite fee.

Dated: October 27, 2014

FINK & STEINBERG

By: \_\_\_\_\_

Keith A. Fink  
Attorney for Plaintiff  
EVGENIYA VAVRINYUK

Dated: October 27, 2014  
SANCHEZ

LAW OFFICES OF GORDON D.

By: \_\_\_\_\_

Gordon Sanchez  
Attorney for Plaintiff  
EVGENIYA VAVRINYUK