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Jury Finds Cosby Sexually Assaulted Girl In '75, Awards \$500K

By **Craig Clough**

Law360 (June 21, 2022, 7:00 PM EDT) -- A California jury found Tuesday that Bill Cosby sexually assaulted a teen at the Playboy Mansion in 1975 and awarded her \$500,000 in damages, delivering the first civil trial victory against the embattled comedian after dozens of women accused him of sexual assault.

The jury concluded that Cosby sexually assaulted plaintiff Judy Huth when she was 16, that he did not reasonably believe she was over 18 at the time and that he was motivated by an unnatural or abnormal sexual interest in a minor. However, the jury did not find him liable for punitive damages for the wrongdoing, finding that he did not act with oppression, fraud or malice.



Attorney Gloria Allred, who represents many women accusing Bill Cosby of sexual assault, speaks Tuesday for client Judy Huth. Jurors on Tuesday found that Cosby has sexually assaulted Huth when she was 16. (AP Photo/Richard Taber)

The damages award was below the range of \$4 million to \$8 million that Huth's attorney Nathan Goldberg of Allred Maroko & Goldberg suggested during his closing argument.

Goldberg told reporters after the verdict that "there is no other case that I am aware of where someone like Ms. Huth obtained justice 47 years after the fact, and that is what makes this really, truly remarkable."

He added that it proves "you can run but you can't hide."

Jennifer Bonjean, who represents Cosby, told Law360 she "was really happy to have gotten a favorable answer on the punitive damages. That might have been a very different type of verdict. But either way we're still appealing this verdict."

The jury reported Monday that they were stuck on the punitive damages question, so both sides gave brief presentations to the jury on that question to start the day Tuesday.

Bonjean encouraged the jury Tuesday morning to find the case did not meet the "clear and convincing" standard to award punitive damages. She also said the jury shouldn't punish Cosby just because he is accused by other women of wrongdoing.

"This isn't a windfall for Ms. Huth because it's Bill Cosby," Bonjean said.

The trial began June 1 and featured roughly two weeks of testimony, with the jury beginning deliberations Thursday before having to start over Monday because one juror was no longer available and replaced by an alternate.

"If there was ever a case for punitive damages, this is one," Goldberg told the jury Tuesday morning before they reached their verdict. "Imagine taking a minor to the Playboy Mansion — where she's a minor, she's not even supposed to be there — and then doing what he did to her in the bedroom without any consent."

The jury's vote was not unanimous on many of the key questions. One question asked if Cosby made offensive contact with Huth by use of a sexual organ, with the vote being 9-3 that he did. One changed vote on the question could have resulted in a hung jury.

A juror who asked not to be identified by name told Law360 she was one of the three votes against Cosby having made offensive contact.

"I don't think they had any evidence," she said. "I don't think they proved anything."

When asked what broke the stalemate on the punitive damages question Tuesday, the juror said that "Ms. Bonjean did a great job. And when we had to go back in, she proved it, and we moved on."

Goldberg took the lead in the case at trial for Huth. His co-counsel Gloria Allred, who is one of the country's most famous attorneys, also participated in the trial and sat next to Goldberg throughout, but did not question any witnesses or address the jury. She represents many of Cosby's accusers and is one of his most vocal public critics.

Cosby did not attend the trial or testify, although the jury saw an edited **video of a deposition** he gave in the case in 2015 where he denied knowing Huth or that he would knowingly engage in sexual activity with a minor.

Huth, 64, filed her suit in 2014, 39 years after she said the assault occurred.

Huth **told the jury** that only she and Cosby were present during the assault, in which he allegedly forced her to masturbate him after trying to stick his hand down her pants. Huth's attorneys presented evidence that Huth was with Cosby at the Playboy Mansion as an underage child, showing jurors photos of the two of them together at the famous property's "game room" and by the pool.

Huth's best friend at the time, Donna Samuelson, **testified** that she was with Huth when the two of them met Cosby by chance at a park, and was also with Huth days later when he took them to the Playboy Mansion. She told the jury she took the photos, and that Huth broke down in tears while telling her Cosby tried to have sex with her and made her masturbate him.

The jury also saw a "butler log" from the mansion dated April 5, 1975, that documented Cosby visited the

property with two guests. Huth told the jury she couldn't remember the exact date but said it could have been that day.

Huth's attorneys supported her claims by calling Margie Shapiro, who testified that she was 19 when Cosby drugged and raped her in the game room of the Playboy Mansion in November 1975, roughly seven months after Huth said she was assaulted at the same location.

A woman named Kimberly Burr also testified and told the jury that in 1975 Cosby grabbed and forcibly kissed her in his movie trailer when she was 14, and that he knew her age.

Huth testified that she was retriggered by the trauma in 2014 when her son turned 15 — the age she initially thought she was when the assault happened — and as dozens of women accused Cosby in the media. Her injuries included insomnia, panic attacks and anxiety that lasted until Cosby went to prison, she said.

Bonjean sought to discredit Huth and Samuelson during the trial by pointing out discrepancies in their stories and timeline. One discrepancy was Samuelson's testimony at a deposition that she was playing Donkey Kong at the Playboy Mansion, even though the game did not exist in 1975.

Goldberg told the jury the discrepancy was minor and due to decades in time passing, sarcastically dubbing it the "Donkey Kong defense." It was a moniker Bonjean latched onto as well, jokingly referencing it several times during her closing argument.

Goldberg and Bonjean often argued bitterly in front of the jury throughout the trial, with things **turning heated** during closing arguments as Bonjean frequently interrupted Goldberg with objections before he turned and lashed out at her.

"You were as rude to the witnesses as you are to me and the court," Goldberg said. "This is what you do, Ms. Bonjean."

Cosby was once one of the nation's most beloved and admired comedians after producing hit comedy albums in the 1960s and 1970s and appearing in a number of films and TV shows before his starring turn in "The Cosby Show" on NBC in the 1980s and 1990s, which was one of the top-rated shows of its era.

But since then, dozens of women have accused him of sexual assault and other sexual misconduct, and he was convicted of sexual assault in 2018, though the Pennsylvania Supreme Court later **overturned the conviction**. Some of Cosby's accusers filed civil suits, although Huth's is the only one to reach trial.

The jury also found that Huth did not suffer damages from 2014 until 2018, which was when Cosby went to prison for sexual assault before the Pennsylvania Supreme Court vacated the conviction. The timeline was key to satisfying California's statute of limitations when the case was filed in 2014, which among other things required child sexual assault victims to file a case as an adult within five years of discovering they were harmed.

Goldberg told Law360 last week that after Huth filed her case, the law in California changed to remove the five-year limit until Jan. 1, 2023, and that Los Angeles Superior Court Judge Craig D. Karlan ruled before the trial that the unlimited timeframe applied to the case.

The bill that opened the unlimited timeframe, A.B. 218, changed the statute of limitations on child sexual abuse cases and opened a three-year "look-back window" that expires on Jan. 1, 2023, but allows a three-year period of time for sexual abuse victims to bring cases even if a previous statute of limitations did not allow for them.

A question on the verdict form asked the jury if Huth filed her claims within five years after the date of discovering or reasonably discovering that injuries she suffered after the age of 18 were caused by Cosby, and the jury found she did not file within that timeframe. The question was included in case the unlimited timeframe is later found to be unconstitutional — as Cosby's team argued — but would not have had any immediate impact on the jury's verdict on damages, Goldberg said.

Bonjean told Law360 last week that the purpose of the question was to avoid having to retry the case if the look-back window is found to be unconstitutional. Should that happen, the jury's finding could ultimately wipe out the verdict.

Goldberg previously led a civil trial in 2019 for his client Mahim Khan, where a jury found media entrepreneur Alki David committed both battery and sexual battery against Khan, and that David and his defendant media companies created a hostile work environment by subjecting her to sexual harassment.

The jury awarded Khan \$8.25 million in compensatory damages and **\$50 million in punitive damages**, which Allred Maroko & Goldberg said was the largest verdict of its kind in U.S. history.

Huth is represented by Nathan Goldberg, John Steven West and Gloria Allred of Allred Maroko & Goldberg.

Cosby is represented by Jennifer Bosnian and Ashley Cohen of the Bonjean Law Group, and Michael Gregory Freedman of Freedman Firm PC.

The case is Huth v. Cosby, case number BC565560, in the Superior Court of the State of California, County of Los Angeles.

--Additional reporting by Gina Kim. Editing by Marygrace Anderson.

Update: This story has been updated with additional quotes and information from the verdict.

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