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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 PAUL LOZADA, an individual,

12 Plaintiff,

13 v.

14 ANTOINE FUQUA, an individual; FUQUA
15 FILMS, INC., a California corporation;
16 ESCAPE ARTISTS PRODUCTIONS, LLC,
a California limited liability company;
17 SONY PICTURES ENTERTAINMENT,
INC., a Delaware corporation; and DOES 1
18 through 50, inclusive,

19 Defendants.

Case No. 23STCV20557

Assigned to:
Dept.:

**COMPLAINT FOR BREACH OF ORAL
CONTRACT; BREACH OF IMPLIED-IN-
FACT CONTRACT; COMMON COUNTS
(QUANTUM MERUIT); AND
PROMISSORY FRAUD**

DEMAND FOR JURY TRIAL

1 Plaintiff Paul Lozada (hereinafter “Lozada” or “Plaintiff”) hereby alleges as follows:

2 **PARTIES**

3 1. Lozada has worked both in TV and feature films as a Consultant on and received
4 credits for, among other projects, the following feature films: *Training Day*, *Tears Of The Sun*,
5 *Brooklyn’s Finest*, and *The Equalizer*. All of the above films were directed by Defendant herein,
6 Antoine Fuqua.

7 2. Lozada is a former officer of the San Francisco Police Department (“SFPD”)
8 where, among other assignments, he worked in the Intelligence Unit, Special Operations Group,
9 Federal Task Force, Homicide Division, Special Investigations Division, Gang Task Force, and
10 Narcotics and Vice Divisions. Lozada earned numerous decorations and citations at the SFPD,
11 including ten (10) Medals of Valor (two gold, three silver, five bronze), and was credited with
12 removing over two thousand (2,000) guns from the streets of San Francisco. Lozada is also a
13 highly regarded martial artist.

14 3. Lozada has not only acted as a technical consultant, reviewing and advising on
15 police procedures, he has also served as a “script doctor” on multiple projects.

16 4. In addition to his services on *Training Day* (the movie), Lozada spent numerous
17 hours with Denzel Washington (who will be appearing in the upcoming *The Equalizer 3*) on the
18 development of his character, as well as lending Washington (and the *Training Day* production)
19 his personal shoulder holster. Today, Lozada’s shoulder holster remains on display at the
20 Warner Bros. Museum in Burbank, California. Despite Lozada’s repeated requests for the return
21 of this “iconic” holster, it has never been returned. Washington went on to earn an Oscar® for
22 his performance in *Training Day*.

23 5. Defendant Antoine Fuqua (hereinafter sometimes “Fuqua”) is an individual
24 working and residing within the county of Los Angeles, California, and within this judicial
25 district.

26 6. Defendant Fuqua Films, Inc. is a California corporation with its principal place of
27 business located in the county of Los Angeles, California, and within this judicial district.

28

1 (hereinafter sometimes “Equalizer 3”). As Fuqua had done a number of times on previous
2 feature projects, he advised Lozada that he wanted Lozada’s input on *Equalizer 3*. Lozada, as he
3 had done in the past, asked Fuqua for the Script. Fuqua advised that the Script was, at that time,
4 going through re-writes and was not ready yet.

5 13. The following day, May 20, 2022, Lozada texted Fuqua: “I’m ready to go with
6 this TV series idea you have – no holds barred this time.”

7 14. In the following days, Lozada and Fuqua texted each other, including about
8 setting up a personal meeting. On May 26, 2022, Lozada texted Fuqua his schedule. On May
9 27, 2022, Fuqua texted back: “Ok bet. I’ll be in Malibu for a couple of hours. You around? Or
10 I’ll find you. Thinking about what Angle to take in a show idea.” Lozada responds, on May 27:
11 “Brotha I’ll meet u where ever whenever.” However, Lozada and Fuqua were unable to meet up
12 in Malibu, due primarily to Lozada’s schedule.

13 ***The May 29, 2022 Meeting: Fuqua requests Lozada’s help on “Equalizer 3”***

14 15. On May 29, 2022, Fuqua texted Lozada: “Call me.” Lozada called Fuqua back.
15 They talked briefly, with Fuqua telling Lozada that he was at L’Ermitage Hotel in Beverly Hills.
16 Fuqua texted: “Give me a call.” Lozada called back, and the two discussed, again, the TV
17 concept. Later, at approximately 9 p.m., Lozada arrived at L’Ermitage, the two (Lozada and
18 Fuqua) met up at the restaurant. The two spoke about their children, Fuqua’s previous film
19 (*Terminal List*), and about Fuqua’s upcoming projects.

20 16. During that meeting at L’Ermitage, Fuqua informed Lozada that he and Denzel
21 Washington would be filming *Equalizer 3* in Italy. Lozada told Fuqua that he “wanted in.”
22 Fuqua responded that he would have to get approval of the studio, but that Fuqua would make
23 sure Lozada would be compensated “either way” for Lozada’s assistance.

24 17. In that meeting, Fuqua told Lozada that he was not satisfied with the *Equalizer 3*
25 script. He told Lozada that he needed some real Italian Mafia inner workings, specifically
26 criminal activity of members within the Camorra (a criminal organization originating in
27 Campania, Italy). Lozada reminded Fuqua that he was an “intelligence guy” (which included
28 Lozada’s work under cover) and had knowledge of transnational organized crime networks.

1 Fuqua understood, and he asked Lozada to gather all the information Lozada could about this
2 Italian Mafia Crime Group (Camorra). Lozada asked if the Script was ready for his review.
3 Fuqua responded that the Script was still not ready, was going through re-writes, but that Fuqua
4 would get the Script to Lozada when finalized.

5 18. As Lozada and Fuqua were waiting for their cars at the hotel valet, Fuqua told
6 Lozada that he wanted Lozada to go through the Script when ready, so that Lozada could “do
7 what you do.” The two drove off.

8 *Lozada immediately gets to work on his research of the Camorra/transnational*
9 *organized crime/weapons that McCall (Denzel’s character) would use in Italy –*

10 *Fuqua receives and discusses Lozada’s work*

11 19. For several weeks, Lozada and Fuqua texted each other about various topics. The
12 *Equalizer 3* Script was not yet finished. On or about June 13, 2022, Fuqua sent Lozada the
13 trailer to *Bullet Train* and texted: “You know I produced this right?” Lozada responded and
14 asked Fuqua about the potential TV project *they* had discussed (“when are we going to do [it]?”).
15 Fuqua texted back: “Thinking on it.”

16 20. On or about June 14, 2022, at approximately 8 p.m., Lozada called Fuqua. They
17 spoke briefly. Lozada reported that he had been gathering up his research on the Italian Mafia
18 and, specifically, the Camorra, as well as other transnational organized crime groups and their
19 worldwide criminal activity. Fuqua told Lozada in that phone conversation that he was
20 interested in Lozada’s research. Lozada told Fuqua that he would prepare a report, including
21 photographs and graphs, for Fuqua’s review.

22 21. The next month, on or about July 4, 2022, Lozada texted Fuqua: “If you need
23 current intelligence brief for Italy and Europe let me know.” Lozada followed up, that same
24 day, by sending Fuqua a global transnational organized crime flow chart. Soon after, Fuqua
25 texted back: “I need a better copy of that joint.” Lozada followed up with a photograph of the
26 current trafficking notes to Europe for cocaine.

27 22. The following day, July 5, 2022, Lozada sent Fuqua a picture of trade-based
28 money laundering scheme for *Equalizer 3*. On July 9, Lozada texted Fuqua: “What’s ur status

1 today?" Fuqua responds: "Bro. Been going hard. Finished Emancipation late. Going to Italy to
2 scout EQ3 for a week." On July 10, Lozada texted Fuqua with an attached report (PDF Format)
3 on Italian organized crime. Lozada estimates that he spent approximately eight (8) hours
4 working on the report, which covered topics such as "International Connections," "Drugs &
5 Arms Trafficking," "Environmental Crimes," and "United States Presence." At the end of his
6 report, Lozada stated: "Several Italian organized crime families continue to smuggle heroin into
7 the United States using connections in Venezuela and Canada." Later on, and after Lozada's
8 report was sent, Fuqua responded: "I'll call you from Rome."

9 23. Fuqua did not make that call from Rome, but, on July 16, 2022, Fuqua let Lozada
10 know that he was returning from the scout: "Flying back from Rome tonight bro."

11 24. A week later, on or about July 23, 2022, Fuqua texted: "Hit me." Lozada called
12 Fuqua, and they talked for approximately twelve (12) minutes. In that conversation, Fuqua
13 explained, in a nutshell, the *Equalizer 3* storyline. Fuqua told Lozada that he wanted to
14 understand how the Camorra and other Italian Mafia groups work and about their global
15 activities. Fuqua also asked Lozada to compile a list of weapons that McCall (Denzel
16 Washington's character) could carry and use in Italy. Further, Fuqua asked Lozada what type of
17 "go bag" Lozada would use if he were McCall in Italy. A "go bag," a/k/a a "bug-out bag," is a
18 bag packed with survival supplies and weapons.

19 25. On July 23, and after the above conversation, Lozada sent Fuqua, pursuant to
20 Fuqua's request, six (6) photographs of weapons to be used by McCall in Italy.

21 ***July 26, 2022: Fuqua discusses the Equalizer 3 Script with Lozada, sends the Script to***
22 ***Lozada, and asks Lozada to go through it, thoroughly, and to give Fuqua feedback***

23 26. On July 26, Fuqua called Lozada. At approximately 12:48 p.m., Fuqua and
24 Lozada spoke. The initial conversation lasted approximately three (3) minutes. It was about
25 *Equalizer 3*. The conversation focused on the methods used by the Camorra to store and
26 transport drugs. Lozada suggested hollowing out wine bottles and using wine barrels for
27 transporting. The call dropped, and their conversation resumed. For approximately twenty-two
28 (22) additional minutes, Lozada and Fuqua discussed various scenes in *Equalizer 3*. Fuqua

1 reiterated his misgivings about the Script in its current form, particularly with respect to the
2 authenticity of certain issues, including without limitation “inside” information about Camorra
3 practices, information about drug trade (including synthetic drugs), accurate, appropriate tactics,
4 weaponry, etc. Regarding the *Equalizer 3* Script, Fuqua told Lozada that he wanted Lozada to
5 go through the Script with a “fine-toothed comb” and to get back with his observations/thoughts.

6 27. During the above conversation (July 26, 2022), at approximately 1:00 p.m.,
7 Fuqua texted: “Isis drug called fenethylamine. Pills. Meth-like. Called warrior drug.”
8 Approximately five (5) minutes later, also while they were having their conversation, Fuqua sent
9 Lozada a PDF of *Equalizer 3* via text. The PDF was entitled “3 EQ3 POLISH DRAFT
10 Rev.pdf.” (hereinafter sometimes the “EQ3Script” or “Script”).

11 28. On July 26, and after their conversation concluded, Lozada provided Fuqua with
12 a treasure trove of information, intelligence, graphs, pictures, network graphs, production
13 diagrams, etc. All of these things were produced by Lozada and relayed to Fuqua, at Fuqua’s
14 request.

15 ***After Lozada’s review of the Script, Lozada provides choreography and***
16 ***videos depicting weapon disarming techniques***

17 29. In addition to having a wealth of experience as an officer with the San Francisco
18 Police Department, including undercover operations, Lozada is a top-flight martial artist. Lozada
19 has also developed his own takedown maneuvers and weapon disarming techniques.

20 30. As Fuqua requested, Lozada got to work right away on reviewing the Script.
21 Lozada went through the Script at least four (4) times.

22 31. On July 29, Lozada called Fuqua. Lozada informed Fuqua that, in particular,
23 weapon/gun fight scenes needed to be choreographed properly in order to make the action more
24 realistic. Lozada asked Fuqua if he wanted Lozada’s choreography. Fuqua said that he did, and
25 he gave Lozada the go-ahead on creating fight-scene scenarios, based on situations in the Script.
26 The following day, July 30, 2022, Lozada flew up to San Francisco to meet with his students to
27 videotape variations of fight situations for EQ3’s McCall character. Lozada estimates devoting
28 approximately twelve (12) hours to this project alone.

1 Fuqua had a number of questions for Lozada concerning, among other things, weapons
2 (authentic for Italy), tactics, criminal activities within Italy, Italian organized crime, including
3 the Camorra, drugs and international drug trade, and crime-scene protocol (again, appropriate for
4 Italy). Clearly, Fuqua, with shooting starting in weeks, was on a quest for authenticity and
5 realism, particularly with respect to the all-important opening scene, and, Plaintiff is informed
6 and believes, Fuqua did not appear to be ready with some critical details. Especially during
7 August 2022, Fuqua was calling upon a familiar, solid resource—Lozada—and Fuqua did so
8 many times.

9 37. On August 1, 2022, with the date of principal photography for EQ3 soon
10 approaching, Lozada texted Fuqua specific notes, including the following: “Remember, for
11 McCall, Danger is detected via the limbic system and triggers a survival response. At this point
12 it bypasses cognition. This energy needs to be harnessed and then exploit the attack, and
13 converts the instinctive response into a focused counter measure.” Lozada continues: “Unarmed
14 against a gun, the golden Rule is to stay away from the hole.”

15 38. That same day, Lozada texted Fuqua a picture of a Burberry scarf and says:
16 “Other weapon in McCalls go bag – Burberry Scarf I’ll show you how it’s used.” Fuqua texts
17 back: “Been working with Denzel and writer. You sent me a bunch of Asian action films. One
18 was called ‘new world’ I think. You remember the other ones? The Raid 1 and 2.”

19 39. Lozada responds: “Yes.”

20 40. Fuqua texts back: “What other ones?”

21 41. Lozada replies: “Iris” and then follows up with approximately twelve (12) more
22 titles of Asian martial arts/cop-type films for Fuqua to review for additional ideas. Fuqua
23 replies: “Great.”

24 42. On August 1, 2022, Lozada texts Fuqua: “We hooking up tomorrow so I can
25 show you the Get Down moves?” Fuqua: “Yeah. I’ll call you in the morning. I’m fried. These
26 writers can be very corny.”

27 43. On August 2, 2022, Lozada followed up by sending videos of Lozada using a
28 scarf and stick as weapons and as gun-disarms. On August 4, Lozada texted Fuqua about a case

1 involving Koreans with 50 lbs. of powder fentanyl in multiple colors, calling it “Pink Death or
2 Rainbows PD Death,” including photos. Several days later, on August 6, Lozada sent Fuqua the
3 drug price list requested by Fuqua and said: “Price has increased a few hundred here and there –
4 but remember in Europe prices are doubled at times because of the distance in travel for DTOs.”

5 44. On August 8, 2022, Fuqua texts Lozada: “In Rome.” Fuqua asks: “You awake?”
6 Lozada calls Fuqua. Lozada: “Yes – hit me up.” Fuqua: “Had to step into this production
7 meeting. Trying to get research on real drug bust in Italy of recent years. And what the camora
8 [sic] in Naples is all about.” Lozada responds by sending pictures/diagrams, video of drug bust,
9 trafficking routes, etc. Lozada: “The Sacra Corona Unita’s initially preyed upon their regions
10 wine and olive industry. They later moved into drugs, arms, cigarettes and human smuggling,
11 money laundering, extortion and political corruption . . . Albania is the arrival point for drugs
12 smuggled in from Afghanistan. It’s later transported into Italy through the coasts of Montenegro
13 and Croatia.”

14 45. On August 12, 2022, Lozada sends Fuqua a PDF of the Drug Price List.

15 46. Several weeks later, on August 29, 2022, **Lozada texted Fuqua: “Did you
16 finalize the way the drugs are packaged?” Fuqua: “Going to put in wine bottles and
17 barrels from Afghanistan.”** This was the very method that Lozada had suggested earlier to
18 Fuqua.

19 *August 29, 2022 – Fuqua in high gear to obtain critical information*
20 *for EQ3’s opening scene*

21 47. On that same day, August 29, Fuqua, who was in Rome in pre-production, texted:
22 “You coming to visit Brotha.” Lozada replied: “I want to. Are you coming back are just going
23 to stay put. Or” Fuqua responded with a question about weapons: “**What kind of weapons
24 do you think the Italians would use. I’ll be back for a couple of days here and there.”**
25 **Lozada: “The street gangsters or hitters.” Fuqua: “Both.” Lozada: “You have the ones
26 who are medieval and then the more sophisticated. Not all pack heat.” Fuqua asked:
27 “Like the guys in the opening?” Lozada: “Sicily and Sardenians are edged weapon-types.”**
28 **Fuqua asked: “Bodyguard type would carry what weapons?” Lozada: “Every bodyguard**

1 has a blade and a piece these days. Colt .45. If he's a real Italian it'll be a Beretta 92f.
2 They're made in Italy so they'd have major access to them." Lozada followed up with a
3 picture of a Beretta 92f semi-automatic pistol.

4 48. Later, on August 29, 2022, Lozada elaborated on the choice of weapons: "We
5 could get fancy, but is the bodyguard a contractor, hillbilly gangster or ex-cop? That
6 decides the weapon. See, if the guys holding the gun to McCalls [sic] head are not that
7 specialized or skilled, if they had a 1911, it may not be cocked and locked. That tells him
8 what kind of disarm he can employ. But, if it's a Glock that's a striker weapon and you
9 cannot tell if there's 1 in the pipe."

10 49. After more back-and-forth, including photos sent by Lozada, Fuqua asks about
11 weapons relevant to the opening scene: "The body guards at the wine vineyard." Lozada:
12 "I have one of those." Fuqua: "All weapons have to come from place here I'm [sic] Italy."
13 Lozada: "Ok a Benelli M4 with Ghost Rails. Sent pic. Benellis are made in Italy." Fuqua:
14 "And what hand guns?" Lozada responded with a picture of a sawed-off shotgun (a Beretta
15 92f9mm) and CZ Scorpion. Fuqua reacted: "That's the Bitch right there bro." Lozada:
16 "Defiant Force 40 cal made by Palmetto Group in Italy. One of them has to have a 'Lupara,'
17 that's Italian for sawed off shotgun." Fuqua: "The one you showed me?" Lozada sends picture
18 of two (2) sawed-off shotguns, and answers: "Depends on whose designing it. Again, medeviel
19 [sic] or tactical." Fuqua: "The Camorra." Lozada: "This one is called the Diablo (Devil)
20 Double barrel Pistol Shotgun." Fuqua: "Matt black."

21 50. On that same day, August 29, Fuqua and Lozada exchanged more texts, including
22 Lozada: "All old school Mafia dudes have the Colt 1911 – back in World War 2 the GIs left a
23 bunch, some event trading for the hand and marriage of the Commorah Gangster's daughters."
24 Lozada indicated his willingness to come to Rome: "I want to come out to visit and stuff (work)
25 – when and where?" Fuqua, not addressing at that time Lozada's coming to Rome, texted a PDF
26 entitled: "SEIZED CAMORRA WEAPONS" with the following language underneath the PDF:
27 "Recent seizures here in Italy."
28

1 51. Despite the reference to “recent seizures,” Lozada delivered the news that Fuqua
2 was ill-informed and possessed outdated information about weapons/seizures: “FYI – those
3 weapons were seized in 2015 and 2016.” (Emphasis supplied). Lozada followed up by sending
4 Fuqua several articles regarding the seizures. Lozada texted: “Whoever slipped that doc or made
5 it for you needs to come correct.” Lozada followed up that text by sending Fuqua numerous
6 articles on Italian Mob arrests seizures, an Italian organized crime threat assessment, cocaine
7 insights, Europol seizures, drug trafficking routes diagrams, hierarchy charts, etc. Lozada
8 texted: “This is the shit you need to know.”

9 52. After several exchanges, again on August 29, 2022, **Fuqua texts: “I’m good
10 Brotha. Trying to tighten up this script. Getting there. Fuqua asks: How many days after
11 a murder scene, would bodies be removed from the crime scene.” Lozada responds:
12 “Depending on type of murder, Mass, double, etc.” Lozada texts: “Is it rural or
13 metropolitan?” Fuqua: “From the opening of the script. Vineyard.” Lozada: “Oh . . . I’d
14 say a day for Homicide to process scene, Coroner arrives scopes body than arrangements
15 to morgue. I’d say Two for small town spot, 1 for big city, 3 for boonies.” Fuqua: “Would
16 the floor be marked from bodies or shells, or knives or other weapons? Would everything
17 be bagged and tags.” Lozada: “Yes, over there they’d probably use spray paint cans to
18 encircle their bodies, small cones numbered for weapons, etc. For evidence. Do U need the
19 Homicide check off list?” Fuqua: “Call me.”**

20 *August 29, 2022/Evening – Detailed phone conversation/Fuqua repeats that*
21 *“Clayton” from the “Studio” will reach out to Lozada about payment*

22 53. On that same date, August 29, at approximately 11:50 p.m. (Lozada’s time),
23 Fuqua and Lozada spoke for approximately twenty-one (21) minutes. They spoke about the
24 opening sequence, including a discussion about McCall’s (Washington’s character) use of
25 improvised weapons, pressure points, and joint locks, the “go bag, the homicide scene at the
26 vineyard, and the packaging of the narcotics for mass distribution. Lozada reiterated that the
27 “research” Fuqua sent him about “recent” Camorra weapon seizures was outdated. Fuqua
28 agreed. Lozada, then, asked about coming to Italy to work on EQ3. Fuqua replies: “Working on

1 that.” Lozada asks, again, about his compensation for work thus far. Fuqua tells Lozada that
2 “Clayton” from the studio would be contacting Lozada. (Again, that never happens.)

3 54. On August 31, 2022, Lozada texts Fuqua: “This partner he’s one of leading
4 Tactical guys in the world – we need to have him on to have the boys manipulate the Guns
5 properly.” Lozada follows up by sending video and an Instagram link. Several days later, on
6 September 2, Lozada sends Fuqua four (4) fighting videos: two (2) disarms, one (1) scarf, and
7 one (1) stick. On September 4, 2022, Lozada sends Fuqua a picture regarding “Rainbow
8 Fentanyl.”

9 55. On September 6, 2022, Lozada reached out to Fuqua. Fuqua responds: “I’m in
10 Atrani [Amalfi Coast, Italy] at dinner and will call you when I get back to my hotel. You good?
11 You back?” Lozada replies that his father, a veteran of three wars/conflicts (WWII, Korea, and
12 Vietnam), was rushed to emergency and says: “My Dad got rushed to emergency – 96 yrs old
13 time is coming quick.” Fuqua responds: “Sorry brother” (with a praying hands emoji). On
14 September 8, Fuqua wishes Lozada’s daughter a happy birthday.

15 *Lozada, with his father gravely ill, flies to Rome (on his own dime) and books a hotel in*
16 *proximity to Fuqua’s, believing that he is on the EQ3 “team”*

17 56. On September 15, Lozada advises Fuqua that his father is very ill, 85 lbs., and
18 that Lozada is carrying the load for the care of his father. Lozada asks Fuqua if he has time to
19 talk that day. Several days later, on September 17, Fuqua gets back: “What’s going on with you
20 pops?” Lozada: “Dying.” Fuqua: “I’m sorry brother.” Later that day, Fuqua: “I’m at dinner.
21 I’ll hit you after. Wrapping up.” Several hours later, Lozada confirms his trip to Rome: “Don’t
22 forget to get me list of hotels in Rome near you.” Lozada follows up: “Booked flights – arrive
23 9/25 Sun 0640 Depart 10/01 Sat 1315.” In a further text: “All booked and good to go. W is
24 about ¾ miles away from Spanish Steps.”

25 57. The following day, September 18, Lozada: “Hit me back Brotha.” No answer.

26 58. The next day, September 19, Lozada: “You get my texts?”

27 59. On September 20, Fuqua eventually responds at approximately 2:37 a.m.
28 Lozada’s time: “You good.” Lozada responds “Yes” but that he’s stressed and that he pulled a

1 muscle in his back in connection with an investigation he had conducted. Lozada confirms with
2 Fuqua that he lands in Rome on 9/25. Lozada: “Can we meet for dinner or lunch?” Fuqua:
3 “Will figure it out. I’ll have to find out if visitors can come on set with the COVID protocol.
4 Probably just need to be tested.”

5 60. On September 24, Lozada confirms with Fuqua that he had landed in Rome. The
6 following day, September 25, Fuqua texts: “Hey brother. I’m dealing with covid issues on my
7 film right now. I’ll hit you shortly.” Paul: “Ok.” At approximately 1:30 in the afternoon,
8 Lozada: “What happened w dinner?” Fuqua responds: “Ha. Didn’t say dinner Bruh. I was
9 going to try and chop it up, for a min. Got a lot going on. Hit you in the morning. Fuck
10 Covid.”

11 61. The following day, September 26, Lozada had difficulty getting his calls to go
12 through to Fuqua, while Fuqua texted: “Call no going through.” September 26 comes and goes,
13 and Lozada begins to wonder what is, truly, going on. On September 27, Lozada texts: “Let me
14 know what’s happening today” Approximately several hours later, Fuqua: “I’ll see you
15 today. Dealing with this BS.” Later, Fuqua: “Just tried you.” Lozada: “Tried you too – hit me
16 again.” Fuqua: “On set. Hit you in a min.” Lozada: “For some reason calls not coming thru but
17 I see ur text – text me and I’ll call u.”

18 62. On September 27, after some apparent communication miscues and text from
19 Fuqua “Hit me,” Lozada responds: “You eat yet? We thinking of grabbing dinner somewhere.”
20 Fuqua: “Meet me at the Eden hotel 6th floor. I can’t do a full dinner but you could eat.” Lozada
21 said he’d be heading there in 10 minutes. Fuqua follows up; apparently, Fuqua is in a hurry:
22 “WYA. Only have this table for another 30 minutes.” Lozada arrives at the Eden Hotel, where
23 they have dinner. While Lozada is eager to know more about his continued role on EQ3,
24 including a consultant role on-set (which role he had served before), Fuqua avoided the subject
25 at dinner. Instead, Plaintiff alleges that Fuqua represented that shooting was “shut down”
26 because of either COVID and/or protocol issues. Accordingly, the specifics of what Lozada
27 would be doing there, while in Rome, as well as on a going-forward basis on EQ3 were not
28 addressed at the dinner.

1 something very wrong had occurred (particularly, because Lozada had left his sick father
2 behind). But Lozada was still willing to maintain his relationship with Fuqua. Certainly, despite
3 the “odd” Rome trip and Fuqua’s elusive conduct, Lozada was fully expecting to be
4 compensated and credited for his contribution to EQ3 as he flew home to see his father.

5 ***Lozada returns to his dying father and faces mounting expenses -- Lozada is never paid***

6 69. During the month of October 2022, Fuqua checks in: “You good?” Lozada tells
7 Fuqua that the insurance ran out for his father’s care and that Lozada was paying \$2,400 per day
8 to keep him in a skilled nursing facility. Fuqua: “Damn. A lot on your shoulders.”

9 70. Several months later, in December 2022, Lozada reached out to Fuqua. He did
10 not respond. On April 25, 2023, Lozada texts Fuqua: “FYI – it’s finally time – they pulled my
11 Dad off all machines to keep him alive it’s a wrap.” Lozada added that “Carlton” or whoever
12 was supposed to from the production, “never contacted me to get me paid on E3.” Lozada:
13 “Give me his info so I can tighten this up. This whole process with my Pops had me rethink
14 about a whole bunch of stuff. I’m cutting off the fake f*cks who are nothing but leaches.”
15 Lozada adds that he is left with hospital bills, funeral expenses, etc.

16 71. Fuqua responded with silence. No call from “Carlton” or “Clayton.”

17 72. At the funeral of Lozada’s father, now interred at the VA Cemetery in Westwood,
18 Los Angeles, were Lozada’s extended family and close friends. Lozada’s Dad received military
19 honors, including the gun salute and the folding and presenting of a U.S. burial flag. Fuqua,
20 who Lozada had considered a close friend for a number of years, was a no-show.

21 ***Confrontation/Indignation***

22 73. Months later, on August 7, 2023, Lozada e-mailed Fuqua: “See, you are very
23 predictable. You always start off with, ‘Hey, got a new project I want you involved with . . .
24 This is the one.’” Lozada went on in his email to lay out what Lozada called Fuqua’s “drag.”
25 The email was from Lozada’s heart, and it was blistering.

26 74. Quickly after receiving Lozada’s email, on August 7, Fuqua responded with a
27 text. Fuqua, among other things, denied that Lozada had made *any* contribution to EQ3: **“Paul.
28 All this is Bullshit. Not one thing in Equalizer had anything to do with you. Not one thing.**

1 **You came to Rome, and I wanted you involved somehow. To help you. Not me.”** While
2 professing his “love” for Lozada, Fuqua added: **“I have nothing but love and respect for you**
3 **Paul. But I don’t Owe you anything.”**

4 **FIRST CAUSE OF ACTION**

5 **(For Breach of Oral Contract Against Defendants Antoine Fuqua, Fuqua Films, Inc.,**
6 **Escape Artists Productions, LLC, and DOES 1 – 50)**

7 75. Plaintiff hereby adopts, incorporates, and reiterates all of the preceding
8 allegations of this complaint.

9 76. On or about May 29, 2022, Lozada and Fuqua entered into an oral contract. At
10 that time, Plaintiff is informed, believes, and alleges, Fuqua was acting not just for himself, but
11 also in his capacity as a managing member of Fuqua Films, Inc. and as Producer with Escape
12 Artists Productions, LLC on EQ3.

13 77. The essential terms of their oral agreement are as set forth herein above, including
14 but not limited to that Lozada would provide technical, consulting support for EQ3, in return for
15 his usual, customary compensation and credit.

16 78. Plaintiff alleges that he performed those tasks requested of him under the
17 agreement, as more fully set forth herein, except for those obligations and covenants excused by
18 the breach and/or non-performance of Defendants.

19 79. Commencing on or about July 31, 2022, when Lozada was advised by Fuqua that
20 someone (“Clayton” or “Carlton”) from the EQ3 production would be contacting Lozada about
21 payment, and continuing thereafter up until August 7, 2023, when Fuqua stated emphatically
22 that he did not “owe [Lozada] anything,” Defendants materially breached the agreement by
23 failing to compensate Plaintiff and by failing to provide Plaintiff credit on EQ3.

24 80. As a direct and proximate result of Defendants’ breach of the agreement, Plaintiff
25 suffered damages.

26 81. Defendants’ breach of the agreement was a substantial factor in causing
27 Plaintiff’s damages.

28

