



Bruins 3, Penguins 4, Final

Kevin Spacey now facing civil lawsuit for alleged groping in Nantucket bar

By [Travis Andersen](#) and [Matt Rocheleau](#) Globe Staff, June 27, 2019, 8:22 a.m.



Actor Kevin Spacey at a pretrial hearing on Nantucket earlier this month. STEVEN SENNE/ASSOCIATED PRESS/ASSOCIATED PRESS

The man who says actor Kevin Spacey groped him in a Nantucket bar in July 2016 filed a civil lawsuit Wednesday against the disgraced star, who also faces [criminal charges](#) stemming from the incident.

The five-page civil complaint, filed in Superior Court on Nantucket, alleges that Spacey plied the accuser with alcohol and then sexually assaulted him by “touching and fondling” his genitals.

Spacey has denied the allegations through his attorneys in the criminal case. Lawyers for Spacey didn’t immediately respond to requests for comment on the civil lawsuit.

The allegations in the civil complaint, which seeks unspecified financial damages, track closely with the accusations in the criminal case, where Spacey has pleaded not guilty to a felony indecent assault and battery charge stemming from the encounter with former WCVB-TV news anchor Heather Unruh’s son at the Club Car, when the son was 18.

He’s named in legal filings in the criminal and civil cases, but the Globe doesn’t identify alleged sexual assault victims without their permission.

The lawsuit alleges that the accuser has “suffered, and will continue to suffer in the future severe mental distress and emotional injuries.”

In addition, the civil filing says, because of Spacey’s “explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, the Plaintiff is unable at this time to fully disclose in complete detail to what degree Defendant Kevin Spacey Fowler did abuse the Plaintiff emotionally and physically.”

Mitchell Garabedian, the alleged victim’s attorney, declined to comment beyond the filing, citing the pending criminal case.

Lawyers for Spacey — a two-time Oscar winner whose career imploded in late 2017 when multiple men accused him of sexual misconduct amid the wave of #MeToo allegations that brought down powerful figures in entertainment, politics, and media — have called the Nantucket accuser’s claims “patently false” and described the encounter as “mutual and consensual flirtation, nothing more.”

One key issue in the pending criminal case is the cellphone the alleged victim had at the time of the incident, which Spacey’s high-powered legal team wants to examine but which has gone missing.

The Nantucket judge presiding over the case last week [ordered the accuser’s father](#) to appear in court July 8 if his son’s cellphone can’t be found, to explain what he knows about the device’s whereabouts.

The judge’s order came after Garabedian informed the court that while police notes indicate the phone was returned to the father, the father has no recollection of receiving the phone — and other family members also don’t know where it is.

Judge Thomas S. Barrett had ordered that the phone be turned over to Spacey’s lawyers, who want to try to extract information they claim was deleted from the device, including text messages they say would help Spacey disprove the allegations.

A recently released [court filing](#) revealed some of the texts messages the accuser sent to his then-girlfriend during the encounter with Spacey.

The message thread cited in the filing, which defense lawyers said appears to start mid-conversation, begins with the man texting the girlfriend, “like he’s hangin around me in the bar. He got my number and asked me to come out with him.”

“Are you kidding,” the girlfriend replies, before sending two more messages, “What” — “Sounds like he’s hitting on you....”

“I think he is” — “He’s grabbing my leg and [expletive],” the man texted back.

Later, the man types, “I’m not gay” — “But I think spacey is.”

The girlfriend writes back, “Hahaha” — “Uhg literally so jealous” — “Plz take a selfie with him at some point.”

The man texts back, “No I’m serious no” — “Now” — “He’s totally gay.”

“Wait what...” the girlfriend responds. “For real?”

The man writes back, “He’s grabbed my [expletive] like 8 times” — “He’s pissed I’m texting I” — “I told him I had a gf.”

The girlfriend doesn’t believe him, writing back, “I thought you were serious” — “Taking advantage of my gullible-ness.”

The man replies “No I’m serious” — “He’s gay” — “He pulled my zipper down” — “And he invited me to his house” — “I’ll talk to you later.”

She texts back, “What the [expletive] is happening,” followed by a message containing a trio of flushed-face emojis, then a message saying, “Have fun but not too much fun if you know what I mean.”

The final section of the thread contains 18 consecutive messages, all from the man.

“Jesus Christ he reached down my pants.”

“Help”

“No this is Kevin ducking spacey”

“He’s gay”

“He’s buying me yet another drink”

“Help me”

“He’s gotten me so many”

“I’m drunk”

“Help”

“[Girlfriend’s first name]”

“He grabbed my [expletive]”

“Kevin spacey is gay”

“Check snap”

“Seriously help”

“I’m gonna get the pic”

“I got the autographs and a hell of a stout”

“Story”

“Help me”

Defense lawyers argued the thread supports their claims Spacey isn't guilty, because the man “continued to accept drinks” from and “engage with” the actor “even after boasting” to his girlfriend that Spacey had touched him.

“Both [the accuser] and [his then-girlfriend] appear to be amused by the story [the accuser] tells, and more importantly, [the accuser] never uses any language to indicate the interaction was unwelcome,” Spacey's lawyers wrote in the court filing.

The filing did not address the texts sent by the man that appeared to ask for help.

The filing also describes a group text on the night of the incident with six friends, in which the man wrote in a series of texts: “No I'm serious. One sec. I'm calling my mom. I'm serious. I'm dead serious. I swear on everyone. Ask [girlfriend's name]. I'm [not] [expletive] around. I'm drunk but I'm not [expletive] around.”

Spacey's lawyers doubted his friends didn't respond within that thread — and wanted to know what they said. “Clearly, the conversation has been edited,” the lawyers argued.

In the civil complaint filed Wednesday, Garabedian insisted his client was harmed during the encounter.

“As a direct and proximate result of Defendant Kevin Spacey Fowler's unconsented, unjustified harmful and offensive physical contact and touching, the Plaintiff suffered and will continue to suffer in the future: severe and permanent

mental distress and emotional injuries ... financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages,” Garabedian wrote.

He described Spacey’s alleged assault as “extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.”

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