

Kevin Spacey Is Cleared of Anthony Rapp's Battery Claim

New York Times

By [Julia Jacobs](#) and [Nate Schweber](#)

Oct. 20, 2022 Updated 7:26 p.m. ET

A federal jury in Manhattan found Kevin Spacey not liable for battery on Thursday after the actor Anthony Rapp filed a lawsuit accusing Mr. Spacey of climbing on top of him and making a sexual advance in 1986, when Mr. Rapp was 14.

Mr. Rapp's claim was one of the most prominent in the early days of the #MeToo movement, as accusers started to come forward with allegations against high-profile men in the entertainment, political and business worlds. Mr. Spacey, a star of the political drama "House of Cards" and a lauded actor who had hosted the Tony Awards months earlier, quickly experienced career blowback.

The disclosure by Mr. Rapp, which BuzzFeed News published in October 2017, was followed by more than a dozen other sexual misconduct accusations against Mr. Spacey. He has pleaded not guilty to sexual assault charges in Britain, and outside the courthouse on Thursday, one of his lawyers, Jennifer L. Keller, said he would be proven innocent in all cases.

The civil trial to consider Mr. Rapp's claim of battery hinged on his account of a night in 1986, when, he said, he attended a party at Mr. Spacey's New York apartment during a Broadway season in which both of them were acting in plays. Mr. Spacey, who was 26 at the time, denied that such an encounter ever occurred.

After less than an hour and a half of deliberation, an 11-person jury in the U.S. District Court in Manhattan decided in favor of Mr. Spacey, whose lawyers had hammered Mr. Rapp with questions that challenged his memory of events said to have occurred more than 36 years ago.

Following the verdict, Mr. Spacey stood up with tears in his eyes and hugged his lawyers. He was silent during his exit from the courthouse, but Ms. Keller told reporters, "We're just grateful that the jury saw the truth."

Anthony Rapp sued Mr. Spacey, accusing him of making a sexual advance when Mr. Rapp was 14.

Mr. Rapp was straight-faced in response to the decision. In a statement later posted to his Twitter account, Mr. Rapp said he was "deeply grateful" for the opportunity to have his case heard before a jury.

"Bringing this lawsuit was always about shining a light," the statement said, "as part of the larger movement to stand up against all forms of sexual violence."

Mr. Rapp, an actor on “Star Trek: Discovery” and who is best known for his originating role in the musical “Rent,” was able to bring his claim under a New York State law, the Child Victims Act. The law included a temporary “look-back” window during which old claims that had already passed the statute of limitations could be revived.

The jury determined that there was not enough evidence to prove that Mr. Spacey had touched one of Mr. Rapp’s “sexual or intimate” parts, meaning the claim could not be revived under the law. Mr. Rapp testified that when Mr. Spacey picked him up, one of his hands “grazed” his buttocks.

Mr. Rapp’s lawyers presented testimony from three men who said he had told them in the mid-1990s or earlier about an encounter with Mr. Spacey. The defense focused on inconsistencies and picked at vagueness in his account, highlighting that Mr. Rapp, 50, presented no third-party corroboration of the gathering on the night that he said the encounter had occurred. Midway through the trial, the judge, Lewis A. Kaplan, dismissed a claim against Mr. Spacey, 63, of intentional infliction of emotional distress.

“There is no evidence that this happened and plenty of evidence that it didn’t,” Ms. Keller said in closing arguments.

Both actors took the stand to testify, presenting disparate accounts about what happened in the spring of 1986, when Mr. Rapp was a teenage actor in the play “Precious Sons” and Mr. Spacey was in “Long Day’s Journey Into Night.”

Mr. Rapp testified that he had withdrawn to the bedroom to watch late-night TV during Mr. Spacey’s party because he did not know any other guests. Once the party wound down, Mr. Rapp testified, Mr. Spacey approached him, picked him up, laid him on the bed and climbed on top of him, pressing his groin into Mr. Rapp’s hip.

“I knew something was really wrong now,” Mr. Rapp said, recalling feeling frozen in place.

He testified that he was able to wriggle out from under Mr. Spacey, who appeared intoxicated, and escape to the nearby bathroom. Mr. Rapp recalled that before he exited the apartment, Mr. Spacey said, “Are you sure you want to leave?”

The defense contended that Mr. Rapp had fabricated the claim to get attention for himself and his career, which he denied.

“Does it look like he is enjoying the attention of this?” a lawyer for Mr. Rapp, Richard M. Steigman, said in closing arguments. “He is doing this to hold Kevin Spacey accountable.”

Despite issuing an apology shortly after Mr. Rapp made public his allegation, Mr. Spacey testified that the encounter never happened, that he had never been alone with Mr. Rapp and that he had not had a party at his apartment in the time frame Mr. Rapp described.

Mr. Spacey said he did recall that Mr. Rapp had attended with a friend a performance of “Long Day’s Journey,” and that afterward, Mr. Spacey had invited them to dinner, then to a nightclub and then back to his apartment.

Mr. Spacey said he had flirted with Mr. Rapp’s friend, John Barrowman, who was 19 at the time. Back at Mr. Spacey’s apartment, he said, he pushed Mr. Barrowman gently back onto the bed when Mr. Rapp left for the bathroom. Feeling that Mr. Rapp was too young to see them in a romantic situation, Mr. Spacey said, the two men sat up when Mr. Rapp returned.

“I had no interest in Mr. Rapp joining us,” Mr. Spacey testified.

Mr. Rapp testified that on the night they all went to the nightclub — which he described as his second time meeting Mr. Spacey — they did not go back to the apartment. In a videotaped deposition, Mr. Barrowman, an actor known for his role in the TV show “Doctor Who,” recalled the series of events that night as Mr. Spacey had.

Mr. Rapp called the alleged encounter with Mr. Spacey the most traumatic event of his life. Mr. Rapp testified about moments when he later saw Mr. Spacey onscreen — in films like “American Beauty” and “Working Girl” — and felt startled, sometimes feeling as if “poked with a cattle prod.”

Mr. Spacey’s lawyers suggested throughout the trial that Mr. Rapp was motivated to fabricate the accusation because he was envious of Mr. Spacey’s career or frustrated that Mr. Spacey was not public about his relationships with men.

Mr. Rapp denied those motivations, asserting that he had come forward to seek belated justice for himself. But during a lengthy and tense cross-examination, he acknowledged that he might have been mistaken about a couple details, including that the alleged encounter had occurred in a separate bedroom in Mr. Spacey’s apartment.

Mr. Spacey’s lawyers also questioned Mr. Rapp on similarities between his account and moments of staging in “Precious Sons.” In the play, the character of Mr. Rapp’s father, who was played by Ed Harris, had picked up the character of Mr. Rapp in the same manner that he described Mr. Spacey picking him up — like a groom carrying a bride. Mr. Harris also climbed on Mr. Rapp twice during the play.

Mr. Rapp dismissed the idea that there was any connection, saying the staging had been done “with care and consent.”

Mr. Rapp’s lawyers pointed to Mr. Spacey’s initial response to Mr. Rapp’s accusation, in which he did not categorically deny the encounter, as supporting evidence for their client. In a statement Mr. Spacey posted after the BuzzFeed article, he said he had no memory of the encounter, adding, “But if I did behave then as he describes, I owe him the sincerest apology for what would have been deeply inappropriate drunken behavior.”

In his testimony, Mr. Spacey said he regretted making that apology, attributing the decision to advisers who feared that people would call Mr. Spacey a “victim blamer” if he denied the allegation outright.

“I’ve learned a lesson,” Mr. Spacey testified, “which is, never apologize for something you didn’t do.”

One additional accuser, Andy Holtzman, testified during the trial that Mr. Spacey had groped him in an office in 1981, when Mr. Holtzman was 27 and Mr. Spacey was several years younger. Mr. Spacey denied doing so. No other accusations were discussed in front of the jury, and Judge Kaplan instructed the jury to disregard two instances when Mr. Rapp had alluded to other allegations against Mr. Spacey during his testimony.

As a result of the sexual misconduct allegations against him, Mr. Spacey — who has won two Oscars and a Tony — lost major roles, with an arbitrator ordering him to pay \$31 million to the “House of Cards” studio for breach of contract.

But the jury’s verdict on Thursday adds to the list of legal victories for Mr. Spacey. Prosecutors dropped a sexual assault charge in Massachusetts, and an anonymous accuser who had originally sued alongside Mr. Rapp decided not to continue his claim when Judge Kaplan ruled that the plaintiff would need to identify himself publicly.

“What’s next,” Ms. Keller said outside the courthouse on Thursday, “is that Kevin Spacey is going to be proven innocent of anything he’s been accused of.”