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Superior Court of California
County of Los Angeles

DEC 11 2017

Sherri R. Carter, Executive Officer/Clerk
By Nancy Alvarez, Deputy

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

10 JAMI L. CANTOR, an individual,

11 Plaintiffs,

12 v.

13 NFL ENTERPRISES, LP, a limited
14 partnership; JESSICA LEE, an individual; and
15 DOES 1 – 50, inclusive,

16 Defendants.
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CASE NO: BC678714

[Filed on October 6, 2017; Assigned to Hon. Ernest
M. Hiroshige, Dept. 51]

**FIRST AMENDED COMPLAINT FOR
DAMAGES**

1. Discrimination Because of Age and Sex/Gender in Violation of FEHA – *Government Code* § 12940(a)
2. Sexual Harassment and Hostile Work Environment in Violation of FEHA – *Government Code* § 12940(j) & 2 *Cal. Code Regs.* § 7287.6
3. Retaliation in Violation of FEHA – *Government Code* § 12940(h) & 2 *Cal. Code Regs.* § 7287.8
4. Failure to Prevent Discrimination, Harassment, or Retaliation in Violation of FEHA – *Government Code* § 12940(k)
5. Wrongful Termination in Violation of Public Policy
6. Retaliation in Violation of *Labor Code* § 1102.5
7. Unfair Business Practices (*Bus. & Prof. Code* § 17200 *et. seq.*)
8. Unpaid Wages & Penalties
9. Conversion (Wage Theft)
10. Labor Code Violations Pursuant to the Private Attorney General's Act (*Labor Code* § 2699 *et. seq.*)
11. Defamation

JURY TRIAL DEMANDED

1 Plaintiff, JAMI L. CANTOR, complains against Defendants, and each of them, demands
2 a trial by jury of all issues and for all causes of action, and hereby alleges, based upon
3 information and belief, the following:

4 **PARTIES**

5 1. At all relevant times herein, Plaintiff JAMI L. CANTOR (Plaintiff) is, and was,
6 an individual residing within the State of California, County of Los Angeles.

7 2. At all relevant times herein, NFL ENTERPRISES, LP (NFL) is, and was, a
8 limited partnership doing business in the County of Los Angeles, State of California, and
9 qualified as an “employer” under the Fair Employment and Housing Act (FEHA) at *Government*
10 *Code* § 12926(d).

11 3. At all relevant times, Defendant JESSICA LEE was a resident of the State of
12 California, County of Los Angeles. Plaintiff is informed and believes, and thereon alleges, that
13 during all relevant times mentioned herein, Defendant JESSICA LEE was employed by
14 Defendant NFL ENTERPRISES, LP in a managerial and supervisory capacity and was
15 Plaintiff’s last supervisor.

16 4. In addition to the Defendants named above, Plaintiff sues fictitiously Defendants
17 DOES 1 through 50, inclusive, pursuant to *Code of Civil Procedure* § 474, because their names,
18 capacities, status, or facts showing them to be liable are not presently known. Plaintiff is
19 informed and believes, and thereon alleges that Defendants, and each of them, designated herein
20 as DOES 1 through 50, are responsible in some manner for the occurrences and happenings
21 herein alleged, and that Plaintiff’s damages, as herein alleged, were and are the direct and
22 proximate result of the actions of said Defendants, and each of them. Plaintiff will amend this
23 complaint to show their true names and capacities, together with appropriate charging language,
24 when such information has been ascertained.

25 5. Plaintiff is informed and believes, and based thereon alleges that at all times
26 material and relevant herein, that each of the Defendants, including each DOE Defendant, was
27 the agent, subsidiary, employee, representing partner, partner, servant, employer, joint-employer,
28 co-venturer, joint venture, successor corporation, successor entity, successor, alter ego, and/or

owner, of the remaining Defendants and was working in concert with his or its co-Defendants and was acting within the course and scope of such agency, successorship, ownership, partnership, employment, venture, and/or concerted activity and in doing the acts alleged herein, was acting both individually and within the course and scope of such agency, partnership, employment, venture, and/or concerted activity and with the knowledge, consent and ratification of the remaining Defendants. Each of the Defendants condoned, approved of and/or otherwise ratified the acts of each of the other Defendants. Whenever and wherever reference is made in this Complaint to any act or failure to act by a Defendant or co-Defendant, such allegations and references shall also be deemed to mean the acts and/or failures to act by each Defendant acting individually, jointly and severally.

6. Plaintiff reserves the right to amend her charges to plead agency between Defendants NFL, LEE, and DOES 1 – 50, inclusive, and any of them, at any time that she ascertains acts supporting such agency between such Defendants.

JURISDICTION & VENUE

7. The amount of Plaintiff's claims exceeds the minimal jurisdictional dollar amount for this Court of unlimited jurisdiction.

8. One or more of the Defendants resides within and/or does business within the State of California, County of Los Angeles, making this Court the proper venue for Plaintiff's claims.

ADMINISTRATIVE REMEDIES

9. Plaintiff has satisfied all private, administrative and judicial prerequisites to the institution of this action.

10. Plaintiff timely filed charges with the Department of Fair Employment and Housing (DFEH) against the named Defendants, and each of them, for the wrongful acts alleged herein, and was issued a right-to-sue letter by the DFEH within the past year.

11. This action is not preempted by the California Workers' Compensation Act because claims brought under the FEHA and *Labor Code* – including without limitation discrimination because of age and sex/gender, sexual harassment, retaliation, failure to prevent

1 discrimination, harassment, and retaliation, and violations of the *Labor Code* – are not risks or
2 conditions of employment subject to workers’ compensation law.

3 12. This action is not preempted by any collective bargaining agreement, the National
4 Labor Relations Act or other Federal law because these claims arise out of violations of the
5 public policies of the State of California as set forth in the California Constitution, California
6 Fair Employment & Housing Act at *Government Code* § 12900 *et. seq.* and other state laws.

7 13. On October 6, 2017, Plaintiff, pursuant to *Labor Code* § 2699 *et. seq.*, through
8 Plaintiff’s attorneys, filed her PAGA claim online with the Labor and Workforce Development
9 Agency, sent a copy of her claim via Certified Mail, Return Receipt Requested, to Defendant
10 NFL. The Labor & Workforce Development Agency did not respond to Plaintiff within 65
11 calendar days of the mailing of the notice as to whether it intends to investigate the alleged
12 violations, thereby permitting Plaintiff to proceed with the causes of action relating to Labor
13 Code § 2699. Pursuant to Labor Code § 2699(a), Plaintiff seeks to recover civil penalties for
14 which Defendant NFL and DOES 1 – 50 are liable for the Labor Code violations as set forth
15 herein.

16 **FACTS COMMON TO MORE THAN ONE CAUSE OF ACTION**

17 14. This action arises under the laws of the State of California (*Government Code* §
18 12920 *et. seq.*) and the rules, regulations implementing said statutes and common law.

19 15. Plaintiff is a member of a protected class within the meaning of the California
20 Fair Employment & Housing Act, *Government Code* §12900, *et seq.* (FEHA). Plaintiff is
21 female, over the age of 40, and opposed employment practices forbidden under the FEHA, i.e.
22 age discrimination, sexual harassment, retaliation, and has protested illegal activity in violation
23 of various *California Labor Codes* including, but not limited to *California Labor Code* §§ 201,
24 203, 218.5, 226.7, 510, 512, 558, 1102.5, 1194, and 2802.

25 16. Plaintiff is an “employee” under the FEHA at *Government Code* § 12926(d).

26 17. At all times during her employment Plaintiff performed her job duties in a
27 competent and satisfactory manner.

28 18. At all times material herein, Defendant NFL qualified as an “employer” under the

1 FEHA at *Government Code* §12926(d) and within the meaning of the FEHA.

2 19. At all times material herein, Plaintiff was employed by Defendant NFL as a
3 wardrobe stylist in Los Angeles County.

4 20. Plaintiff began her employment with NFL Enterprises, LP (NFL) in
5 approximately 2006 as a wardrobe stylist.

6 21. Part of Plaintiff's job duties was to build a wardrobe closet so the on-air talent
7 had clothes to wear on the NFL shows. However, at the NFL there was no wardrobe budget. To
8 create a wardrobe closet, she had to use her own clothes, set up studio accounts with department
9 stores using her own credit card to buy clothes for the talent.

10 22. Plaintiff complained often to her supervisors and NFL's Human Resources that
11 she was not given a budget or resources to build a wardrobe for the talent, she was using her own
12 credit card for loaned and purchased clothes, she was not being reimbursed for the wardrobe she
13 paid for using her own money, she was being forced to work off the clock without pay, and she
14 was never given meal and rest breaks. If the talent damaged the loaned clothes, Plaintiff had to
15 pay for the clothes because they were charged to her personal credit card.

16 23. Throughout Plaintiff's employment at NFL, she was also subjected to ongoing
17 and continuing sexual harassment by current and former on air talent and other employees of
18 NFL, including but not limited to the following:

- 19 a. Former executive producer of NFL Network, Eric Weinberger, sent Plaintiff
20 several nude pictures of himself and sexually explicit texts, including but not
21 limited to, "[Plaintiff] was put on earth to pleasure me," and "watching you walk
22 down the hall makes me crazy, your a** drives me insane." While at work, Mr.
23 Weinberger asked Plaintiff to meet him in the back bathroom because he needed
24 to see her and was "super horny." At times, when Plaintiff was working at her
25 desk, Mr. Weinberger pressed his crotch against Plaintiff's shoulder and ask
26 Plaintiff to touch it. Mr. Weinberger cornered Plaintiff and grabbed her behind,
27 touching Plaintiff's crotch, groping her breasts, and put his hands down Plaintiff's
28 pants to "check if she was wearing underwear." Mr. Weinberger also made lewd

1 comments, including telling Plaintiff she was “making him hard,” “making him
2 want to do all kinds of bad things,” and that someone like Plaintiff “should be
3 getting f***ed every day.”

4 b. Current on-air talent on NFL Network, Marshall Faulk, asked Plaintiff deeply
5 personal and invasive questions about Plaintiff’s sex life, such as her favorite sex
6 position, whether she liked oral sex, and whether she dated black men. Instead of
7 saying good morning, Mr. Faulk greeted Plaintiff by fondling her breasts and
8 groping her behind. As time went on, Mr. Faulk became more aggressive, such as
9 inviting Plaintiff to his hotel room, stroking and pulling out his genitals in front of
10 her, pointing to his crotch and asking Plaintiff, “when are you gonna get on this
11 already?” He also pinned Plaintiff against a wall, demanding oral sex while he
12 pulled his pants down.

13 c. Current on-air talent on NFL Network, Ike Taylor, sent Plaintiff sexually
14 inappropriate pictures of himself, and a nude video while masturbating in the
15 shower.

16 d. Former on-air talent on NFL Network, Eric Davis, came into Plaintiff’s office
17 pretending to ask for help with his clothes so he could grab and push/rub his body
18 against Plaintiff. Mr. Davis made lewd comments to Plaintiff in her office and
19 while on set, such as, “when are we going to spend time together?” “I want you so
20 bad,” “my c**k is so hard because of you right now,” “you look like a woman
21 who knows what to do in bed,” “you look like you would be an animal in the
22 sheets,” “[Mr. Davis] loved really rough sex and would love to be able to spank
23 [Plaintiff] so hard it would leave marks,” “can tell you like it rough and would
24 love it.” Mr. Davis also asked Plaintiff to have rough sex with him, and said that
25 he wanted to choke Plaintiff from behind until Plaintiff begged him to stop. Also,
26 while Plaintiff was working on set on a ladder, Mr. Davis grabbed Plaintiff’s
27 behind, slid his hand between Plaintiff’s legs, and touched Plaintiff’s privates,
28 while saying, “I can’t handle your a** it is so luscious.” When Plaintiff slapped

1 his hand away, Mr. Davis aggressively told Plaintiff to never push his hand away
2 again.

3 e. During Plaintiff's employment, the NFL forced Plaintiff to work in the men's
4 restroom. Former on-air talent on NFL Network, Warren Sapp, came into the
5 restroom while Plaintiff was preparing clothes, and urinated in front of her.
6 Plaintiff screamed at him to get out, but Mr. Sapp laughed and told Plaintiff,
7 "Sorry mama, but your office shouldn't be our shitter." Plaintiff complained to the
8 NFL, but nothing was done until Plaintiff told the NFL she would work in the
9 hallway. Mr. Sapp also gave Plaintiff sex toys as a Christmas gifts three years in
10 a row, showed Plaintiff nude pictures of numerous women he claimed to have
11 slept with, and openly talked about his sex life in front of Plaintiff and other NFL
12 employees, including supervisors.

13 f. Former on-air talent on NFL Network, Donovan McNabb, sent Plaintiff sexually
14 inappropriate comments via text message, including but not limited to, asking
15 Plaintiff if she was a "squirter," telling Plaintiff she "looked like the kind of girl
16 that squirted when getting f***ed," "C*M to dinner with me," and "why don't
17 you C*M over after work."

18 g. Current on-air talent on NFL Network, Heath Evans, sent Plaintiff nude pictures
19 of himself on at least two separate occasions. Mr. Evans constantly propositioned
20 Plaintiff to have sex with him. Mr. Evans also made several sexually
21 inappropriate comments to Plaintiff, such as, "you're making me horny," and
22 "needed to get in you deep and hard."

23 h. NFL's Talent Coordinator, Marc Watts, made sexually inappropriate comments
24 about Plaintiff's body and asked invasive and inappropriate questions about
25 Plaintiff's sex life. Mr. Watts also asked Plaintiff, "how many of these guys (i.e.
26 talent) hit on you?" and "I bet they all want to sleep with you." Plaintiff
27 complained to Mr. Watts about the various and numerous unwanted sexual
28 advances from the NFL talent, but Mr. Watts did nothing and instead responded,

1 “It’s part of the job when you look the way you do.”

2 24. Nothing was done in response to Plaintiff’s complaints. Instead, NFL made it
3 more difficult for Plaintiff to do her job by increasing her work load and cutting her hours.

4 25. On October 10, 2016, with no warning, Plaintiff was terminated by her supervisor
5 at the NFL, Jessica Lee, and NFL’s Human Resources, Andres Astralaga. Lee and Astralaga
6 accused Plaintiff of stealing clothes from one of the talent. The NFL had security camera video.
7 If they would have looked at the video they would have seen that Plaintiff did not steal any
8 clothes. NFL did not return Plaintiff’s personal items or reimburse her for her business
9 expenses. Instead, NFL continues to use Plaintiff’s personal wardrobe items to dress their talent,
10 and told Plaintiff’s vendor contacts Plaintiff was terminated for stealing and to not work with
11 Plaintiff anymore.

12 26. At the time of Plaintiff’s termination, she was 51 years old, and was replaced by a
13 30-year-old employee. Plaintiff has seen the NFL “age-out” other older employees.

14 **FIRST CAUSE OF ACTION**

15 **Discrimination Because of Age and Sex/Gender**

16 **In Violation of Fair Employment & Housing Act (FEHA)**

17 ***Government Code § 12940(a)***

18 **Against Defendant NFL and DOES 1 – 50**

19 27. Plaintiff realleges and incorporates by reference as though fully set forth herein all
20 preceding paragraphs contained in this Complaint.

21 28. At all relevant times Plaintiff was a qualified individual and was covered under
22 the FEHA because of her status as being over 40 years old and as a woman who was the target of
23 sexual harassment by male co-workers. *Government Code § 12900 et. seq.*

24 29. At all relevant times, Defendant NFL and DOES 1 – 50, inclusive, were
25 employers of the State of California, as defined in the FEHA at *Government Code § 12926*.

26 30. At all relevant times, Defendant NFL and DOES 1 – 50, and each of them, were
27 aware of Plaintiff’s age and sex/gender.

28 31. At all relevant times, Plaintiff’s protected status was a motivating reason for

1 Defendant NFL and DOES 1 – 50’s treatment of Plaintiff, and the eventual unlawful discharge of
2 Plaintiff from her employment.

3 32. As the employer, Defendant NFL and DOES 1 – 50, are strictly liable for the
4 conduct of Plaintiff’s co-workers because they are NFL employees, and on information and
5 belief, Defendant NFL and DOES 1 – 50 knew or should have known of the discrimination and
6 sexual harassment and failed to take immediate and appropriate corrective action.

7 33. In perpetrating the above-described actions, Defendant NFL and DOES 1 – 50,
8 and each of them, engaged in continuing and ongoing pattern and practice of unlawful
9 discrimination and sexual harassment in violation of *Government Code* § 12940(j)(1).

10 34. In engaging in the aforesaid wrongful conduct, Plaintiff was subject to adverse
11 employment actions and treated less favorably than those similarly situated employees who were
12 not part of Plaintiff’s protected class.

13 35. Plaintiff is informed and believes and thereon alleges that evidence adduced
14 during discovery will demonstrate a statistically significant disparate impact on persons based on
15 their age and/or sex/gender.

16 36. In engaging in the aforesaid wrongful conduct, Defendant NFL and DOES 1 – 50
17 discriminated against Plaintiff on the basis of her age and sex/gender in violation of the FEHA at
18 *Government Code* § 12940(a).

19 37. As a direct, foreseeable and proximate result of the aforementioned wrongful
20 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
21 substantial losses in earnings and other employment benefits, and other consequential economic
22 losses, in an amount according to proof at the time of trial.

23 38. As a direct, foreseeable and proximate result of the aforementioned wrongful
24 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
25 distress and mental and physical pain and anguish, all to her damage in an amount according to
26 proof at the time of trial.

27 39. The above described acts by Defendant NFL and DOES 1 – 50, by and through
28 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,

1 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
2 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
3 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
4 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
5 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
6 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
7 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
8 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
9 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
10 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
11 exemplary and punitive damages in an amount to be proven at the time of trial.

12 40. Plaintiff has also incurred and continued to incur attorneys' fees and legal
13 expenses in an amount according to proof at the time of trial.

14 **SECOND CAUSE OF ACTION**

15 **Sexual Harassment and Hostile Work Environment**

16 **In Violation of Fair Employment & Housing Act (FEHA)**

17 ***Government Code* § 12940(j) & 2 *Cal. Code Regs.* § 7287.6**

18 **Against Defendant NFL and DOES 1 – 50**

19 41. Plaintiff realleges and incorporates by reference as though fully set forth herein all
20 preceding paragraphs contained in this Complaint.

21 42. *Government Code* § 12940(j) requires Defendant NFL and DOES 1 – 50 to
22 refrain from harassing, or creating, or maintaining a hostile work environment against an
23 employee based on her age and sex/gender, and engagement in protected activities as set forth
24 herein.

25 43. Defendant NFL and DOES 1 – 50 violated *Government Code* § 12940(j) by
26 discriminating against Plaintiff when they allowed harassment on the basis of age and
27 sex/gender, retaliated against Plaintiff for opposing sexual harassment, failed to prevent
28 violations of the Fair Employment and Housing Act, and terminated Plaintiff as described above.

1 44. In perpetrating the above-described actions, Defendant NFL and DOES 1 – 50,
2 and each of them, engaged in a continuing and ongoing pattern and practice of unlawful sexual
3 harassment in violation of *Government Code* § 12940(j)(1).

4 45. Plaintiff was a member of a protected class as a woman who was the target of
5 sexual harassment by her co-workers.

6 46. Defendant NFL and DOES 1 – 50, and each of them, sexually harassed Plaintiff
7 and/or failed to take immediate and appropriate corrective action. The harassment was
8 sufficiently pervasive or severe as to alter the conditions of Plaintiff's employment to create a
9 hostile, intimidating or abusive work environment.

10 47. Defendant NFL and DOES 1 – 50, as the employer of Plaintiff's co-workers, is
11 strictly liable for their conduct, on information and belief, Defendant NFL and DOES 1 – 50
12 knew or should have known of the sexual harassment and failed to take immediate and
13 appropriate corrective action.

14 48. Plaintiff suffered the adverse employment actions of unlawful harassment and
15 discrimination, failure to prevent harassment and discrimination, and termination, and was
16 harmed thereby.

17 49. Plaintiff is informed and believes that her perceived age, sex/gender, engagement
18 in protective activities, and/or some combination of these protected characteristics under
19 *Government Code* § 12926 were motivating reasons and/or factors in the decisions to subject
20 Plaintiff to the aforementioned adverse employment actions.

21 50. As a direct, foreseeable and proximate result of the aforementioned wrongful
22 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
23 substantial losses in earnings and other employment benefits, and other consequential economic
24 losses, in an amount according to proof at the time of trial.

25 51. As a direct, foreseeable and proximate result of the aforementioned wrongful
26 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
27 distress and mental and physical pain and anguish, all to her damage in an amount according to
28 proof at the time of trial.

1 52. The above described acts by Defendant NFL and DOES 1 – 50, by and through
2 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
3 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
4 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
5 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
6 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
7 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
8 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
9 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
10 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
11 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
12 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
13 exemplary and punitive damages in an amount to be proven at the time of trial.

14 53. Plaintiff has also incurred and continued to incur attorneys' fees and legal
15 expenses in an amount according to proof at the time of trial.

16 **THIRD CAUSE OF ACTION**

17 **Retaliation in Violation of Fair Employment & Housing Act (FEHA)**

18 ***Government Code* § 12940(h) & 2 *Cal. Code Regs.* § 7287.8**

19 **Against Defendant NFL and DOES 1 – 50**

20 54. Plaintiff realleges and incorporates by reference as though fully set forth herein all
21 preceding paragraphs contained in this Complaint.

22 55. At all relevant times, Plaintiff was a qualified individual who is over 40 years old
23 and female, and was covered under the Fair Employment and Housing Act (FEHA) *Government*
24 *Code* § 12900 *et. seq.*

25 56. At all relevant times, Defendant NFL and DOES 1 – 50, inclusive, were
26 employers in the State of California, as defined in the FEHA at *Government Code* § 12926.

27 57. During her employment, Plaintiff opposed unlawful employment practices of
28 Defendant NFL and DOES 1 – 50, within the meaning of the FEHA at *Government Code* §

1 12940(h) and violations of the *California Labor Code* by, and without limitation, questioning
2 and complaining about violation of California's Labor laws.

3 58. At all relevant times, Defendant NFL and DOES 1 – 50, were aware of Plaintiff's
4 complaints about Defendant NFL and DOES 1 – 50's unlawful business practices, including
5 without limitation, bullying, humiliating, mocking, and belittling Plaintiff because of her
6 protected status. Defendant NFL and DOES 1 – 50 retaliated against Plaintiff by discharging,
7 expelling or otherwise discriminating against her, and such conduct was a substantial motivating
8 factor in causing Plaintiff harm.

9 59. As a direct, foreseeable and proximate result of the aforementioned wrongful
10 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
11 substantial losses in earnings and other employment benefits, and other consequential economic
12 losses, in an amount according to proof at the time of trial.

13 60. As a direct, foreseeable and proximate result of the aforementioned wrongful
14 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
15 distress and mental and physical pain and anguish, all to her damage in an amount according to
16 proof at the time of trial.

17 61. The above described acts by Defendant NFL and DOES 1 – 50, by and through
18 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
19 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
20 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
21 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
22 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
23 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
24 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
25 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
26 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
27 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
28 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of

1 exemplary and punitive damages in an amount to be proven at the time of trial.

2 62. Plaintiff has also incurred and continued to incur attorneys' fees and legal
3 expenses in an amount according to proof at the time of trial.

4 **FOURTH CAUSE OF ACTION**

5 **Failure to Prevent Discrimination, Harassment or Retaliation**

6 **In Violation of Fair Employment & Housing Act (FEHA)**

7 ***Government Code § 12940(k)***

8 **Against Defendant NFL and DOES 1 – 50**

9 63. Plaintiff realleges and incorporates by reference as though fully set forth herein all
10 preceding paragraphs contained in this Complaint.

11 64. At all relevant times Plaintiff was a qualified individual who is over 40 years old,
12 female, and was covered under the Fair Employment and Housing Act (FEHA). *Government*
13 *Code § 12900 et. seq.*

14 65. At all relevant times Defendant NFL and DOES 1 – 50, inclusive, were employers
15 in the State of California, as defined in the FEHA at *Government Code § 12926*.

16 66. Plaintiff was subjected to discrimination, harassment or retaliation because of her
17 age and sex/gender.

18 67. Defendant NFL and DOES 1 – 50, inclusive, failed to take reasonable steps to
19 prevent discrimination, harassment and retaliation, and this failure was a substantial factor in
20 causing Plaintiff harm.

21 68. As a direct, foreseeable and proximate result of the aforementioned wrongful
22 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
23 substantial losses in earnings and other employment benefits, and other consequential economic
24 losses, in an amount according to proof at the time of trial.

25 69. As a direct, foreseeable and proximate result of the aforementioned wrongful
26 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
27 distress and mental and physical pain and anguish, all to her damage in an amount according to
28 proof at the time of trial.

1 70. The above described acts by Defendant NFL and DOES 1 – 50, by and through
2 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
3 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
4 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
5 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
6 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
7 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
8 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
9 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
10 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
11 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
12 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
13 exemplary and punitive damages in an amount to be proven at the time of trial.

14 71. Plaintiff has also incurred and continued to incur attorneys' fees and legal
15 expenses in an amount according to proof at the time of trial.

16 **FIFTH CAUSE OF ACTION**

17 **Wrongful Termination in Violation of Public Policy**

18 **Against Defendant NFL and DOES 1 – 50**

19 72. Plaintiff realleges and incorporates by reference as though fully set forth herein all
20 preceding paragraphs contained in this Complaint.

21 73. At all times material hereto, Plaintiff is and was a citizen of the State of
22 California, and employed by Defendant NFL and DOES 1 – 50 in the State of California until
23 her employment was unlawfully terminated.

24 74. At all times material hereto, Defendant NFL and DOES 1 – 50's termination of
25 Plaintiff's employment was because of reasons that are against the public policies of the State of
26 California, including without limitation the following: (1) because of age; (2) because of
27 sex/gender; (3) because of her pursuing her rights under FEHA; and (4) because she opposed and
28 complained about illegal conduct by Defendant NFL and DOES 1 – 50 in violation of the *Labor*

1 Code.

2 75. Defendant NFL and DOES 1 – 50, and each of them, were motivated to terminate
3 Plaintiff on grounds that violated public policy of the State of California as stated by, without
4 limitation, the FEHA (*Government Code* § 12900 *et. seq.*); complaining about illegal conduct
5 pursuant to *Labor Code* § 1102.5; other applicable California statutes and common law; and
6 Plaintiff's constitutional rights under the California Constitution, Article 1, section 8, that
7 individuals shall not be discriminated or retaliated against in their employment on the basis of
8 their age, sex/gender, or complaining to their employer about illegal conduct.

9 76. Plaintiff was wrongfully terminated on or about October 10, 2016.

10 77. As a direct, foreseeable and proximate result of the aforementioned wrongful
11 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
12 substantial losses in earnings and other employment benefits, and other consequential economic
13 losses, in an amount according to proof at the time of trial.

14 78. As a direct, foreseeable and proximate result of the aforementioned wrongful
15 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
16 distress and mental and physical pain and anguish, all to her damage in an amount according to
17 proof at the time of trial.

18 79. The above described acts by Defendant NFL and DOES 1 – 50, by and through
19 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
20 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
21 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
22 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
23 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
24 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
25 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
26 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
27 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
28 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director

1 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
2 exemplary and punitive damages in an amount to be proven at the time of trial.

3 **SIXTH CAUSE OF ACTION**

4 **Retaliation in Violation of *Labor Code* § 1102.5**

5 **Against Defendant NFL and DOES 1 – 50**

6 80. Plaintiff realleges and incorporates by reference as though fully set forth herein all
7 preceding paragraphs contained in this Complaint.

8 81. *Labor Code* § 1102.5(b) prohibits employers from retaliating or terminating an
9 employee for disclosing information, or because the employer believes that the employee
10 disclosed or may disclose information, to a government or law enforcement agency, to a person
11 with authority over the employee or another employee who has the authority to investigate,
12 discover, or correct the violation or non-compliance regardless of whether disclosing the
13 information is part of the employee's job duties.

14 82. *Labor Code* § 1102.5(c) prohibits employers from retaliating against an employee
15 for the employee's refusal to participate in an activity that would result in a violation of state or
16 federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

17 83. Defendant NFL and DOES 1 – 50 violated *Labor Code* § 1102.5 by terminating
18 Plaintiff's employment because Plaintiff communicated what she reasonably believes to be
19 illegal conduct by Defendant NFL and DOES 1 – 50's employees that was endorsed by
20 Defendant NFL and DOES 1 – 50.

21 84. As a direct, foreseeable and proximate result of the aforementioned wrongful
22 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
23 substantial losses in earnings and other employment benefits, and other consequential economic
24 losses, in an amount according to proof at the time of trial.

25 85. As a direct, foreseeable and proximate result of the aforementioned wrongful
26 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
27 distress and mental and physical pain and anguish, all to her damage in an amount according to
28 proof at the time of trial.

1 86. The above described acts by Defendant NFL and DOES 1 – 50, by and through
2 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
3 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
4 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
5 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
6 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
7 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
8 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
9 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
10 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
11 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
12 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
13 exemplary and punitive damages in an amount to be proven at the time of trial.

14 87. Plaintiff has also incurred and continued to incur attorneys' fees and legal
15 expenses in an amount according to proof at the time of trial.

16 **SEVENTH CAUSE OF ACTION**

17 **Unfair Business Practices**

18 ***(Bus. & Prof. Code § 17200 et. seq.)***

19 **Against Defendant NFL and DOES 1 - 50**

20 88. Plaintiff realleges and incorporates by reference as though fully set forth herein all
21 preceding paragraphs contained in this Complaint.

22 89. During Plaintiff's employment, Defendant NFL and DOES 1 – 50 engaged in
23 unlawful conduct, constituting unfair business practices, including but not limited to failing to
24 pay Plaintiff overtime, reimburse Plaintiff for her business expenses, and never giving Plaintiff
25 meal and rest breaks.

26 90. Defendant NFL and DOES 1 – 50's conduct, as alleged above, constitutes
27 unlawful, unfair and fraudulent activity prohibited by *Business and Professions Code* § 17200 *et.*
28 *seq.*

91. As a result of its improper acts, Defendant NFL and DOES 1 – 50 has reaped and continues to reap unfair benefits and illegal profits at Plaintiff’s expense. Defendant NFL and DOES 1 – 50 should be enjoined from this activity and made to disgorge these ill-gotten gains and restore to Plaintiff the wrongfully withheld wages and related premium pay and/or penalties, pursuant to *Business and Professions Code* § 17203.

EIGHTH CAUSE OF ACTION

Unpaid Wages & Penalties

Against Defendant NFL and DOES 1 – 50

92. Plaintiff realleges and incorporates by reference as though fully set forth herein all preceding paragraphs contained in this Complaint.

93. At all relevant times herein, NFL and DOES 1 – 50 were Plaintiff's employer, and were obligated to pay Plaintiff for all time worked.

94. During Plaintiff's employment, Plaintiff performed all obligations as required during employment.

95. As part of Plaintiff's employment, Plaintiff was required by Defendant NFL and DOES 1 – 50 to work more than 8 hours per day. Plaintiff, a non-exempt employee, was not paid by Defendant NFL and DOES 1 – 50 for her overtime work and was not provided meal/rest breaks. In order to fulfill her job requirements, Plaintiff was forced to work during her days off from work and was not paid for such work.

96. As part of Plaintiff's employment, Plaintiff was required to create a wardrobe closet for Defendant NFL and DOES 1 – 50's talent, use her own clothes, set up studio accounts with department stores using her own credit card to buy and loan clothes for the talent. Defendant NFL and DOES 1 – 50 did not reimburse Plaintiff for her business expenses.

97. Plaintiff's last day of work was October 10, 2016. To date, Defendant NFL and DOES 1 – 50 have refused to pay Plaintiff the total amount of wages that Plaintiff, through her employment and labor, had earned while working for Defendant NFL and DOES 1 – 50, including wages for overtime and business expenses, and have failed to return her personal clothing, jewelry, and shoes.

1 98. Defendant NFL and DOES 1 – 50’s refusal to pay Plaintiff for her overtime work,
2 failure to provide meal/rest breaks, failure to indemnify/reimburse Plaintiff’s necessary
3 expenditures incurred during discharge of work duties, and failure to pay such wages
4 immediately upon termination, was contrary to the terms of employment and the laws of the
5 State of California, including but not limited to *Labor Code* § 201, 226.7, 510, 512, and 2802.

6 99. Defendant NFL and DOES 1 – 50’s failure to pay wages was willful, entitling
7 Plaintiff to penalties under *Labor Code* §§ 203 and 558.

8 100. Pursuant to *Labor Code* §§ 218.5 and 1194(a), Plaintiff requests that the court
9 award Plaintiff reasonable attorneys’ fees and costs incurred in this action.

10 101. As a direct, foreseeable and proximate result of the aforementioned wrongful
11 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain
12 substantial losses in earnings and other employment benefits, and other consequential economic
13 losses, in an amount according to proof at the time of trial.

14 102. As a direct, foreseeable and proximate result of the aforementioned wrongful
15 conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional
16 distress and mental and physical pain and anguish, all to her damage in an amount according to
17 proof at the time of trial.

18 103. The above described acts by Defendant NFL and DOES 1 – 50, by and through
19 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
20 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
21 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
22 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
23 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
24 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
25 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
26 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
27 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
28 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director

1 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
2 exemplary and punitive damages in an amount to be proven at the time of trial.

3 **NINTH CAUSE OF ACTION**

4 **Conversion (Wage Theft)**

5 **Against Defendant NFL and DOES 1 – 50**

6 104. Plaintiff realleges and incorporates by reference as though fully set forth herein all
7 preceding paragraphs contained in this Complaint.

8 105. It is well-settled that employees in California have a vested property right to their
9 wages and the right vests as the work is performed. As conversion is the wrongful dominion of
10 another's property and as conversion includes intangible property rights (where the amount is
11 certain or capable of being made certain), conversion is appropriate to recover unlawfully
12 withheld wages, and the personal items that NFL controls.

13 106. As described above, Defendant NFL and DOES 1 - 50 wrongfully withheld and
14 failed to pay Plaintiff wages and other compensation under their contract of employment with
15 her and as required under the *California Labor Code* and other provisions of California law, and
16 failed to return her personal property.

17 107. Having performed labor for Defendant NFL and DOES 1 – 50, the wages due
18 were and are fully the property of Plaintiff, and her property rights to said wages were vested
19 immediately upon performing the labor. Plaintiff had and has an immediate right to possess the
20 withheld wages. Plaintiff further has a right to the return of her personal property.

21 108. Defendant NFL and DOES 1 – 50 willfully and without legal justification
22 interfered with Plaintiff's right to own and possess her wages. Defendant NFL and DOES 1 – 50
23 intentionally converted the wages and compensation of Plaintiff by taking and withholding the
24 earned wages and other compensation that was the property of Plaintiff, including her personal
25 property, and utilizing the same for Defendant NFL and DOES 1 – 50's own use and benefits,
26 including to intentionally and deliberately maximize their profits at the expense of Plaintiff.

27 109. The exact amount of wages is capable of being made certain from a review of
28 either the information of Plaintiff and/or from the records of Defendant NFL and DOES 1 – 50.

110. In refusing to pay wages to Plaintiff, Defendant NFL and DOES 1 – 50 unlawfully and intentionally took and converted the property of Plaintiff for their own use. This conversation was oppressive, malicious, and fraudulent and was concealed from Plaintiff by Defendant NFL an DOES 1 – 50.

111. Plaintiff has been harmed by Defendant NFL and DOES 1 – 50’s intentional conversion of her wages and compensation, including by being deprived of the wages that she is lawfully entitled to. Plaintiff is entitled to all wages and compensation converted by Defendant NFL and DOES 1 – 50 in an amount subject to proof at trial, with interest thereon as well as any and all profits, whether direct or indirect that Defendant NFL and DOES 1 – 50 acquired by their unlawful conversion.

112. The above described acts by Defendant NFL and DOES 1 – 50, by and through their managing agents, officers or directors, were engaged in with deliberate, cold, callous, fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* § 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of oppression, fraud and malice, and insofar as the things alleged were attributable to employees of Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or ratified the wrongful conduct; or there was advance knowledge, conscious disregard, authorization, ratification or act of oppression, fraud or malice on the part of an officer, director or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of exemplary and punitive damages in an amount to be proven at the time of trial.

TENTH CAUSE OF ACTION

Labor Code Violations Pursuant to the Private Attorney General's Act

Labor Code §§ 2699 et. seq.

Against Defendant NFL and DOES 1- 50

113. Plaintiff realleges and incorporates by reference as though fully set forth herein all

preceding paragraphs contained in this Complaint.

114. *Labor Code* § 1102.5(b) prohibits employers from retaliating or terminating an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or non-compliance regardless of whether disclosing the information is part of the employee's job duties.

115. *Labor Code* § 1102.5(c) prohibits employers from retaliating against an employee for the employee's refusal to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

116. Defendant NFL and DOES 1 – 50 violated *Labor Code* § 1102.5 by terminating Plaintiff's employment because Plaintiff communicated what she reasonably believes to be illegal conduct by Defendant NFL and DOES 1 – 50's employees that was endorsed by Defendant NFL and DOES 1 – 50.

117. Pursuant to *Labor Code* § 2699 *et. seq.* Plaintiff, on behalf of herself and other similarly aggrieved employees, seeks to recover civil penalties, as otherwise provided by statute, for which Defendant NFL and DOES 1 – 50 are liable as a result of their violations of the above-mentioned *Labor Code* sections in an amount to be proven at trial.

118. As a direct, foreseeable and proximate result of the aforementioned wrongful conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered and continues to sustain substantial losses in earnings and other employment benefits, and other consequential economic losses, in an amount according to proof at the time of trial.

119. As a direct, foreseeable and proximate result of the aforementioned wrongful conduct of Defendant NFL and DOES 1 – 50, Plaintiff has suffered humiliation, emotional distress and mental and physical pain and anguish, all to her damage in an amount according to proof at the time of trial.

120. The above described acts by Defendant NFL and DOES 1 – 50, by and through

1 their managing agents, officers or directors, were engaged in with deliberate, cold, callous,
2 fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were
3 despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* §
4 3294. In doing the things herein alleged, Defendant NFL and DOES 1 – 50 were guilty of
5 oppression, fraud and malice, and insofar as the things alleged were attributable to employees of
6 Defendant NFL and DOES 1 – 50, said employees were employed by Defendant NFL and DOES
7 1 – 50 with advance knowledge of the unfitness of the employees and they were employed with a
8 conscious disregard for the rights of others; or Defendant NFL and DOES 1 – 50 authorized or
9 ratified the wrongful conduct; or there was advance knowledge, conscious disregard,
10 authorization, ratification or act of oppression, fraud or malice on the part of an officer, director
11 or managing agent of Defendant NFL and DOES 1 – 50, all entitling Plaintiff to the recovery of
12 exemplary and punitive damages in an amount to be proven at the time of trial.

13 121. Plaintiff has also incurred and continued to incur attorneys' fees and legal
14 expenses in an amount according to proof at the time of trial.

15 **ELEVENTH CAUSE OF ACTION**

16 **Defamation**

17 **Against Defendants NFL, LEE, and DOES 1 – 50**

18 122. Plaintiff realleges and incorporates by reference as though fully set forth herein all
19 preceding paragraphs contained in this Complaint.

20 123. Plaintiff is informed and believes Defendants NFL, LEE and DOES 1 – 50, and
21 each of them, by the herein described acts, conspired to, and in fact, did negligently, recklessly,
22 and intentionally caused excessive and unsolicited internal and external publications of
23 defamation, of and concerning Plaintiff, to third persons and to the community. These false and
24 defamatory statements included express and implied: accusations that Plaintiff violated company
25 policies, stole company property, and nobody should work with her. These and other similar
26 false statements expressly and impliedly stated that Plaintiff was a dishonest and bad employee.

27 124. While the precise dates of these publications are not known to Plaintiff, she
28 recently discovered and is informed and believes the publications may have started on or after

1 October 10, 2016, for the improper purpose of retaliating against her for her above said
2 complaints about *Labor Code* violations. These publications were outrageous, negligent,
3 reckless, intentional, and maliciously published and republished by Defendants NFL, LEE, and
4 DOES 1 – 50, and each of them. Plaintiff is informed and believes that the negligent, reckless,
5 and intentional publications by Defendants NFL, LEE, and DOES 1 – 50, and each of them, were
6 and continue to be, foreseeably published and republished by Defendants NFL, LEE, and DOES
7 1 – 50, their agents and employees, and recipients in the community. Plaintiff hereby seeks
8 damages for these publications and all foreseeable republications discovered up to the time of
9 trial.

10 125. During the above-described time frame, Defendants NFL, LEE, and DOES 1 –
11 50, and each of them, conspired to, and in fact, did negligently, reckless and intentionally cause
12 excessive and unsolicited publication of defamation, of and concerning Plaintiff, to third persons,
13 who had no need or desire to know. Those third person(s) to whom Defendants NFL, LEE, and
14 DOES 1 – 50 published this defamation are believed to include, but are not limited to, other
15 agents and employees of Defendants NFL, LEE, and DOES 1 – 50, and vendors and the
16 community, all of whom are known to Defendants NFL, LEE, and DOES 1 – 50, and each of
17 them, but unknown at this time to Plaintiff.

18 126. The defamatory publications consisted of oral and written, knowingly false and
19 unprivileged communications, tending directly to injure Plaintiff and Plaintiff's personal,
20 business and professional reputation. These publications included the following false and
21 defamatory statements (in violation of *Civil Code* §§ 45 and 46) with the meaning and/or
22 substance that Plaintiff: violated company policies, stole company property, and nobody should
23 work with her. These and similar statements published by Defendants NFL, LEE, and DOES 1 –
24 50, and each of them, expressly and impliedly asserted that Plaintiff was a dishonest and bad
25 employee.

26 127. Plaintiff is informed, believes, and fears that these false and defamatory per se
27 statements will continue to be published by Defendants NFL, LEE, and DOES 1 – 50, and each
28 of them, and will be foreseeably republished by their recipients, all to the ongoing harm and

1 injury to Plaintiff's business, professional, and personal reputations. Plaintiff also seeks redress
2 in this action for all foreseeable republications, including her own compelled self-publication of
3 these defamatory statements.

4 128. The defamatory meaning of all of the above-described false and defamatory
5 statements and their reference to Plaintiff, were understood by these above-referenced third
6 person recipients and other members of the community who are known to Defendants NFL,
7 LEE, and DOES 1 – 50, and each of them, but unknown to Plaintiff at this time.

8 129. None of Defendants NFL, LEE, and DOES 1 – 50's defamatory publications
9 against Plaintiff referenced above are true.

10 130. The above defamatory statements were understood as assertions of fact, and not
11 as opinion. Plaintiff is informed and believes that this defamation will continue to be negligently,
12 recklessly, and intentionally published and foreseeably republished by Defendants NFL, LEE,
13 and DOES 1 – 50, and each of them, and foreseeably republished by recipients of Defendants
14 NFL, LEE, and DOES 1 – 50's publications, thereby causing additional injury and damages for
15 which Plaintiff seeks redress by this action.

16 131. Each of these false defamatory per se publications (as set forth above) were
17 negligently, recklessly, and intentionally published in a manner equaling malice and abuse of any
18 alleged conditional privilege (which Plaintiff denies existed), since the publications, and each of
19 them were made with hatred, ill will, and an intent to vex, harass, annoy, and injure Plaintiff in
20 order to justify the illegal and cruel actions of Defendant, NFL, LEE, and DOES 1 – 50, and each
21 of them, to cause further damage to Plaintiff's professional and personal reputation, and to
22 retaliate against Plaintiff for prior ill will, rivalry, and disputes in retaliation for her objections to
23 *Labor Code* violations.

24 132. Each of these publications by Defendants NFL, LEE, and DOES 1 – 50, and each
25 of them were made with knowledge that no investigation supported the unsubstantiated and
26 obviously false statements. Defendants NFL, LEE, and DOES 1 – 50 published these statements
27 knowing them to be false, unsubstantiated by any reasonable investigation and the product of
28 hostile witnesses. These acts of publication were known by Defendants NFL, LEE, and DOES 1

1 – 50, and each of them, to be negligent to such a degree as to be reckless. In fact, not only did Defendants NFL, LEE, and DOES 1 – 50, and each of them, have no reasonable basis to believe these statements, but they also had no belief in the truth of these statements, and in fact knew the statements to be false. Defendants NFL, LEE, and DOES 1 – 50, and each of them, excessively, negligently, and recklessly published these statements to individuals with no need to know, and who made no inquiry, and who had a mere general or idle curiosity of this information.

133. The above complained of publications by Defendants NFL, LEE, and DOES 1 – 50, and each of them, were made with hatred and ill will towards Plaintiff and the design and intent to injure Plaintiff, Plaintiff's good name, her reputation, employment and employability. Defendants NFL, LEE, and DOES 1 – 50, and each of them, published these statements, not with an intent to protect any interest intended to be protected by any privilege, but with negligence, recklessness, and/or an intent to injure Plaintiff and destroy her reputation. Therefore, no privilege existed to protect Defendants NFL, LEE, and DOES 1 – 50 from liability for any of these aforementioned publications or republications.

134. As a direct, foreseeable and proximate result of the aforementioned wrongful conduct of Defendants NFL, LEE and DOES 1 – 50, Plaintiff has suffered and continues to sustain substantial losses in earnings and other employment benefits, and other consequential economic losses, in an amount according to proof at the time of trial.

135. As a direct, foreseeable and proximate result of the aforementioned wrongful conduct of Defendants NFL, LEE, and DOES 1 – 50, Plaintiff has suffered humiliation, emotional distress and mental and physical pain and anguish, all to her damage in an amount according to proof at the time of trial.

136. The above described acts by Defendants NFL, LEE, and DOES 1 – 50, by and through their managing agents, officers or directors, were engaged in with deliberate, cold, callous, fraudulent, and intentional manner in order to injure and damage Plaintiff. Such acts were despicable, and constitute malice, fraud and/or oppression within the meaning of *Civil Code* § 3294. In doing the things herein alleged, Defendants NFL, LEE, and DOES 1 – 50 were guilty of oppression, fraud and malice, and insofar as the things alleged were attributable to

1 employees of Defendants NFL, LEE, and DOES 1 – 50, said employees were employed by
2 Defendants NFL, LEE, and DOES 1 – 50 with advance knowledge of the unfitness of the
3 employees and they were employed with a conscious disregard for the rights of others; or
4 Defendants NFL, LEE, and DOES 1 – 50 authorized or ratified the wrongful conduct; or there
5 was advance knowledge, conscious disregard, authorization, ratification or act of oppression,
6 fraud or malice on the part of an officer, director or managing agent of Defendants NFL, LEE,
7 and DOES 1 – 50, all entitling Plaintiff to the recovery of exemplary and punitive damages in an
8 amount to be proven at the time of trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays for judgment in her favor and against
11 Defendants, and each of them as follows:

- 12 1. That Plaintiff be awarded general damages according to proof;
- 13 2. That Plaintiff be awarded special and compensatory damages, including but not
14 limited to, loss of wages, salary, benefits, back pay, front pay, future lost income and benefits,
15 and other economic losses, in an amount according to proof at trial, but in excess of the
16 minimum jurisdictional requirements of the Court;
- 17 3. That Plaintiff be awarded costs of suit incurred herein;
- 18 4. That Plaintiff be awarded reasonable attorney's fees where available by law,
19 including without limitation, pursuant to *Government Code* § 12900 *et. seq.*, *California Code of*
20 *Civil Procedure* § 1021.5, *Labor Code* §§ 218.5, 2699 *et. seq.*, and any other applicable law;
- 21 5. That Plaintiff be awarded prejudgment and post-judgment interest as available by
22 law;
- 23 6. On Plaintiff's Eighth Cause of Action, that Plaintiff be awarded civil penalties,
24 legal costs, and attorneys' fees owed pursuant to *Labor Code* §§ 203, 218.5, 558, and the
25 statutory authorities cited therein;
- 26 7. For a declaration and Order thereon that Defendants may also be aware of its
27 obligations under the law to not engage in discriminatory practices and violate the law as it
28 relates to California's Fair Employment and Housing Act;

1 8. For any and all injunctive relief this court deems necessary in order to effectuate
2 Defendants' compliance with California's Fair Employment and Housing Act;

3 9. For an order enjoining Defendants from continuing to engage in the
4 aforementioned unlawful business practices in violation of California's Fair Employment and
5 Housing Act;

6 10. For any and all injunctive relief this court deems necessary pursuant to *Business*
7 *& Professions Code* § 17203;

8 11. That Defendants be ordered and enjoined to pay restitution to Plaintiff, due to
9 Defendants' unlawful, unfair and fraudulent activities, pursuant to *Business and Professions*
10 *Code* §§ 17200 – 17205;

11 12. That Defendants further be enjoined to cease and desist from unlawful activities
12 in violation of *Business and Professions Code* § 17200 *et. seq.*;


13 13. For disgorgement through restitution of all ill-gotten and/or ill-gained profits,
14 including unpaid wages, premiums and/or penalties, resulting from Defendants unfair business
15 practices pursuant to *Business and Professions Code* §§ 17200 – 17205;

16 14. For interest under *Labor Code* §§ 218.6 and 226; and

17 15. That Plaintiff be awarded such other and further relief as this Court may deem just
18 and proper.

19
20 DATED: December 11, 2017

HORTON LAW FIRM, APC

21
22
23 By: 
24 Laura L. Horton
25 Flor C. Dery
26 Attorneys for Plaintiff, Jami L. Cantor

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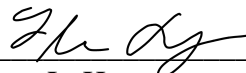
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JURY TRIAL DEMANDED

Plaintiff, JAMI L. CANTOR, hereby demands a trial by jury.

DATED: December 11, 2017

HORTON LAW FIRM, APC

By: 
Laura L. Horton
Flor C. Dery
Attorneys for Plaintiff, Jami L. Cantor