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7

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

10 LESLIE ISAACS, an individual,

11 Plaintiff,

12 vs.

13 POP MEDIA GROUP, LLC, a Delaware limited
liability company; LIONS GATE
14 ENTERTAINMENT INC., a Delaware
corporation dba LIONSGATE; CBS
15 CORPORATION, a Delaware corporation;
MICHAEL DUPONT, an individual; and DOES
16 1 through 25,

17 Defendants.
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CASE NO.: BC692549

Assigned for All Purposes to:
Hon. Samantha P. Jessner, Dept. 31

**FIRST AMENDED VERIFIED
COMPLAINT FOR:**

1. **GENDER DISCRIMINATION**
(Cal. Gov't Code § 12940(a))
2. **AGE DISCRIMINATION**
(Cal. Gov't Code § 12940(a))
3. **SEXUAL HARASSMENT AND
HOSTILE WORK ENVIRONMENT**
(Cal. Gov't Code § 12940(j) & 2 Cal.
Code Regs. § 7287.6)
4. **RETALIATION FOR OPPOSING
DISCRIMINATORY PRACTICES**
(Cal. Gov't Code § 12940(h))
5. **FAILURE TO PREVENT SEX
DISCRIMINATION AND/OR
HARASSMENT**
(Cal. Gov't Code § 12940(k))
6. **DEFAMATION PER SE**
7. **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**
8. **NEGLIGENT HIRING, RETENTION
AND SUPERVISION**

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9. VIOLATION OF B&P § 17200
JURY TRIAL DEMANDED

NATURE OF THE ACTION

1. Plaintiff's claims of discrimination and retaliation echo complaints by numerous former and current employees at POP that have gone ignored for almost a decade. POP's response, and that of Lionsgate and CBS, of either settling claims with nondisclosure agreements or reassuring employees that things will get better has caused an exodus of employees while the management remains the same, fostering a sexualized workplace where derogatory comments towards and about women is the norm. Far from seeking to improve the work environment, POP's advertising sales management has carefully groomed incoming employees to continue an atmosphere where loyalty is rewarded and complainers suffer retaliation and ostracization. In addition to compensatory and punitive damages, Plaintiff seeks injunctive relief that will mandate change at her workplace and asks the Court to remedy the pervasively illegal practices.

PLAINTIFF

2. PLAINTIFF LESLIE ISAACS ("PLAINTIFF" OR "ISAACS") is a female resident, over the age of forty (40) in the County of Los Angeles, State of California. During the entire period of time at issue in this lawsuit, PLAINTIFF was employed by DEFENDANTS in the County of Los Angeles from on or about 2013 to the present.

DEFENDANTS

3. PLAINTIFF is informed and believes, and based thereon alleges, that Defendant POP MEDIA GROUP, LLC ("POP"), is, and at all times relevant here was, a limited liability company organized and existing under the laws of the State of California. PLAINTIFF is further informed and believes that POP is authorized to conduct business in the State of California and does conduct business in the State of California. Specifically, POP maintains offices and facilities and conducts business in the County of Los Angeles, California.

4. According to its website at the time of filing, POP "is a joint venture of CBS Corporation (NYSE: CBS.A and CBS) and Lionsgate (NYSE: LGF). The partnership combines

1 CBS's programming, production and marketing assets with Lionsgate's resources in motion
2 pictures, television and digitally delivered content. Pop's ownership structure is comprised of the
3 company with the #1 broadcast network and many of the top first-run syndication series
4 ('Entertainment Tonight,' 'The Insider') and the studio that produces and distributes the
5 blockbuster 'Hunger Games,' 'Twilight' and 'Divergent' franchises and produces such award-
6 winning TV series as 'Mad Men' and 'Orange is the New Black.' ” PLAINTIFF is informed and
7 believes that LIONSGATE owns fifty percent (50%) of POP, and that CBS owns the other fifty
8 percent (50%).

9 5. PLAINTIFF is informed and believes, and based thereon alleges, that Defendant
10 LIONS GATE ENTERTAINMENT INC., a Delaware corporation dba LIONSGATE
11 (“LIONSGATE”), is, and at all times relevant here was, a corporation organized and existing
12 under the laws of the State of Delaware. PLAINTIFF is further informed and believes that
13 defendant LIONSGATE is authorized to conduct business in the State of California and does
14 conduct business in the State of California. Specifically, Defendant LIONSGATE maintains
15 offices and facilities and conducts business in the County of Los Angeles, California.
16 PLAINTIFF is informed and believes, and based thereon alleges, that Defendant LIONSGATE
17 owns fifty percent (50%) of Defendant POP.

18 6. LIONSGATE is not only an owner of POP, but it also participates in the
19 management and supervision of POP and its employees. LIONSGATE and its employees render
20 services to POP and its employees both on-site at POP office locations in Los Angeles, New York
21 and Chicago, as well as remotely. Specifically, LIONSGATE provides human resources to POP
22 including personnel and avenues for any complaint or concern that a POP employee may have
23 regarding their workplace. Approximately five (5) LIONSGATE executives, officers and/or
24 shareholders are members of POP's Board. PLAINTIFF is informed and believes that these
25 LIONSGATE individuals who are members of POP's Board were aware, or should have been
26 aware, of the material information and events alleged in this lawsuit, and participate in setting
27 policies and making decisions affecting POP's employees. POP's most recent Board meeting
28 was in November, 2017.

1 7. PLAINTIFF is informed and believes, and based thereon alleges, that Defendant
2 CBS CORPORATION (“CBS”), a Delaware corporation, is, and at all times relevant here was, a
3 corporation organized and existing under the laws of the State of Delaware. PLAINTIFF is
4 further informed and believes that CBS is authorized to conduct business in the State of
5 California and does conduct business in the State of California. Specifically, CBS maintains
6 offices and facilities and conducts business in the County of Los Angeles, California.

7 8. CBS is not only an owner of POP, but it also participates in the management and
8 supervision of POP and its employees. Approximately five (5) CBS executives, officers and/or
9 shareholders are members on POP’s Board. A CBS employee is employed in the same
10 department in which PLAINTIFF works. PLAINTIFF is informed and believes that these CBS
11 individuals who are members of POP’s Board were aware, or should have been aware, of the
12 material information and events alleged in this lawsuit, and participate in setting policies and
13 making decisions affecting POP’s employees. POP’s most recent board meeting was in
14 November, 2017.

15 9. POP’s employee Michael DuPont meets with CBS’s President of Advertising
16 Sales Jo Ann Ross regularly, typically on a weekly basis, and has for the past approximately five
17 years. PLAINTIFF is informed and believes that DuPont kept Ms. Ross updated on issues related
18 to personnel, management and performance of POP’s sales department and relied upon Ms. Ross’
19 input on these matters. CBS sent representatives to POP’s annual sales meetings, and at the 2015
20 sales meeting, a CBS representative addressed a personnel situation that ended with termination
21 of a POP employee by stating words to the effect of “when we hear of situations that are not good
22 or productive for our respective companies, we investigate and take swift action. Please know
23 that anyone should come forward to HR if they feel something is not right. We apologize for the
24 disruption.”

25 10. CBS and POP employees share a close working relationship with each other. For
26 example, Frank Quagliariello, whose title at POP is Vice President of Business Development, is
27 employed by CBS and reports to CBS management, but works in POP’s New York office. In
28 October, 2017, POP hired Jed Kapsos as its Chief Financial Officer. Kapsos had been working

1 for CBS as a Senior Vice President in Finance, and now reports to POP's President, Brad
2 Schwartz ("Schwartz"). Kapsos remains on CBS's payroll while working for POP and
3 participates in human resources support for POP employees.

4 11. At all times mentioned herein, Defendants POP, LIONSGATE and CBS, and
5 DOES 1 through 25 (collectively referred to hereinafter as "EMPLOYER DEFENDANTS") were
6 "employers" as the term is defined by California Government Code § 12956(d), which regularly
7 employed five (5) or more persons.

8 12. PLAINTIFF is informed and believes, and based thereon alleges, that Defendant
9 MICHAEL DUPONT ("DUPONT"), is, and at all times relevant here was, an individual.
10 DUPONT has had substantial, systematic, and continuous contacts with California as a result of
11 his employment with EMPLOYER DEFENDANTS including, but not limited to, (1) reporting
12 directly to and communicating with POP's President whose office is located in the County of Los
13 Angeles; (2) reporting directly to and communicating with LIONSGATE agents and
14 representatives located in the County of Los Angeles; (3) reporting directly to and communicating
15 by telephone, U.S. Mail, electronic transmissions and overnight couriers with CBS agents and
16 representatives located in the County of Los Angeles; (4) traveling to the County of Los Angeles
17 to attend meetings in person approximately six to eight times a year; and (5) attending the POP
18 Board meetings in person in the County of Los Angeles on an annual basis and as needed.
19 DUPONT's contacts with the County of Los Angeles in the State of California are substantial,
20 continuous and systematic in directing his activities towards this venue while obtaining the
21 benefits of his contacts as related to his employment and career.

22 13. PLAINTIFF is informed and believes that each of the EMPLOYER
23 DEFENDANTS was, at all times herein mentioned, the agent, employee, partner and/or
24 representative of one or more of the remaining Defendants and was acting within the course and
25 scope of such relationship. PLAINTIFF is further informed and believes that each of the
26 EMPLOYER DEFENDANTS herein gave consent to, ratified and authorized the acts alleged
27 herein to each of the remaining Defendants.

28 14. PLAINTIFF is informed and believes, and based thereon alleges that at all times

1 material and relevant herein, that each of the EMPLOYER DEFENDANTS, including each DOE
2 Defendant, created a joint venture where two or more of them combined their property, skill
3 and/or knowledge with the intent to carry out a single business undertaking, each has its own
4 ownership interest in the business, all EMPLOYER DEFENDANTS have ownership interest in
5 the business, all EMPLOYER DEFENDANTS have joint control over the business if they agree
6 to delegate control, and all EMPLOYER DEFENDANTS agree to share the profits and losses of
7 the business.

8 15. The true names and capacities of the defendants named herein as DOES 1 through
9 25, inclusive, whether individual, corporate, associate or otherwise are unknown to PLAINTIFF,
10 who therefore sues said Defendants by fictitious names pursuant to California Code of Civil
11 Procedure section 474. PLAINTIFF will amend this Complaint to show such true names and
12 capacities of Does 1 through 25, inclusive, when they have been determined.

13 16. Whenever reference is made in this complaint to any act or failure to act by a
14 Defendant or DEFENDANTS, such allegations and references shall also be deemed to mean the
15 acts and failures to act of each Defendant acting individually, jointly, and severally. Whenever
16 reference is made to individuals who are not named as PLAINTIFF or DEFENDANT(S) in this
17 complaint, but who were employees/agents of DEFENDANTS, such individuals acted on behalf
18 of DEFENDANTS within the course and scope of their employment.

19 17. PLAINTIFF is informed and believes that at all relevant times herein
20 DEFENDANTS, and/or their agents/employees, knew or reasonably should have known that
21 unless they intervened to protect PLAINTIFF, and to adequately supervise, prohibit, control,
22 regulate, discipline, and/or otherwise penalize the conduct of the employees of DEFENDANTS,
23 as set forth herein, the remaining DEFENDANTS and employees perceived the acts and
24 omissions as being ratified and condoned.

25 **JURISDICTION AND VENUE**

26 18. This Court has jurisdiction in this matter because PLAINTIFF is a resident and/or
27 citizen of the State of California and EMPLOYER DEFENDANTS are residents and citizens of,
28 and/or regularly conduct business in, the State of California. Further, no federal question is at

1 issue, because the claims are based solely on California law.

2 19. Venue is proper in the County of Los Angeles, California because PLAINTIFF
3 performed work for DEFENDANTS in the County of Los Angeles and most of DEFENDANTS'
4 unlawful actions and omissions, set forth herein, occurred in the County of Los Angeles.

5 **EXHAUSTION OF REMEDIES**

6 20. Prior to filing this action, PLAINTIFF timely filed with the Department of Fair
7 Employment and housing (“DFEH”) alleging that the acts of Defendants established a violation
8 of FEHA, Government Code Section 12900 et seq. and received a “right to sue” letter from the
9 DFEH as to those Defendants. (See Exhibit “A” attached hereto.)

10 **FACTUAL ALLEGATIONS**

11 **A. EMPLOYER DEFENDANTS Benefitted From Ms. Isaacs’ Valuable Contacts
12 And Relationships**

13 21. PLAINTIFF began working for POP in 2013 as Vice President, West Coast Sales
14 in POP’s Los Angeles office. She reported to DUPONT, her supervisor. PLAINTIFF performed
15 her job competently at all times material to this complaint.

16 22. While employed at POP, PLAINTIFF brought in more than twenty-five million
17 (\$25 million) in ad revenue, has been a consistent top producer in sales, and has regularly
18 outperformed her revenue goals for five (5) years.

19 23. Prior to working for POP, PLAINTIFF had worked in the TV Advertising business
20 for almost three decades, and is regarded by her colleagues on the West and East coasts as a
21 trustworthy and dynamic and is held in high regard as a tireless professional.

22 24. PLAINTIFF has held successful positions at NBCUniversal (Comcast), Tennis
23 Channel, NBC (General Electric) and Turner Broadcasting, where she had been a top producer
24 and respected sales leader in both the New York and Los Angeles marketplaces. She is best
25 known for exceeding budget and identifying and mentoring young talent.

26 25. PLAINTIFF has received numerous awards/accolades, most notable are “Deal of
27 the Year // First Cross Platform Deal” in the history of NBC (1998 — eTrade), and two-time
28 recipient of “Top Sales Person of the Year” (Turner — 1995 & 1997).

1 26. Because of her consistent efforts year after year in cultivating her relationships,
2 both at work and on her own time, PLAINTIFF brought those valuable, long-term relationships to
3 POP, which benefitted financially.

4 **B. Ms. Isaacs Endures An Environment of Male Supervisors and Colleagues**
5 **Engaging In Inappropriate and Demeaning Comments Regarding Females And**
6 **Employees Over Forty**

7 27. From the beginning of her employment, PLAINTIFF has had to endure an
8 environment where inappropriate sexual and demeaning comments were made by male
9 employees about female employees regarding their physical attractiveness, their wardrobe, their
10 sexual desirability and other similar topics. These statements were made in front of her superiors,
11 by her superiors, and/or were known to her supervisors and included, but are not limited to:

- 12 A. DUPONT singled out a female sales executive on a number of occasions and
13 told PLAINTIFF words to the effect that the executive would be fired soon
14 because “she was only hired as a pretty face to entertain clients”;
- 15 B. POP’s President Schwartz approved a press release with the headline “POP
16 PUTS OUT” after verbally attacking and demeaning a female sales executive
17 in a group meeting when she objected to the headline;
- 18 C. Schwartz loudly announced to PLAINTIFF and her staff, “I may or may not
19 have slept with her in college!” referencing a female key note speaker at a
20 national women’s empowerment conference, then walked out of PLAINTIFF’s
21 office laughing;
- 22 D. PLAINTIFF attended a POP company holiday party for a short period, and
23 attempted to leave when Beecher Scarlett (“Scarlett”), POP’s National Sales
24 Executive grabbed her by the back of her coat collar, saying, “Nope not so fast
25 . . . you’re coming with us.” PLAINTIFF felt obliged to stay at the party, only
26 to be approached by Scarlett a short time later, who said to her: “Hey, do you
27 have a stanky pussy!?!” – an offensive and demeaning phrase that PLAINTIFF
28 is informed and believes and thereon alleges he used on a regular basis at POP

1 either directly to or about female employees and clients often in the presence
2 of his supervisor DUPONT;

3 E. At a going away party for one of PLAINTIFF's employees, the female
4 employee was about to close a shirt button above her cleavage when POP's
5 General Counsel David Mandell ("Mandell") leaned towards both of them and
6 said in a loud voice, "Leave it right where it is", smiling as he walked off;

7 F. When PLAINTIFF informed DUPONT that a top female executive at POP
8 won the "Top Women In Media Award", he replied to her with a sneer in his
9 voice and with words to the effect of "That is ridiculous! How about the Top
10 Dumb Blond Who's About To Get Fired Award?";

11 G. PLAINTIFF is informed and believes, and on that basis alleges that DUPONT
12 was aware of statements made by POP and CBS male employees about women
13 on numerous occasions such as "I can tell if a woman has stinky pussy just by
14 looking at her" as well as other inappropriate sexually explicit statements and
15 has done nothing to stop them;

16 H. PLAINTIFF is informed and believes, and on that basis alleges that DUPONT
17 was aware that Scarlett often made disparaging and inappropriate sexual
18 comments about women and POP female employees along with and in front of
19 CBS and POP male employees;

20 I. PLAINTIFF is informed and believes, and on that basis alleges that DUPONT
21 has made derogatory comments about female employees such as how "fat" the
22 women are and how "in shape" the men are, making jokes about women being
23 pregnant when they are not, or commenting about female employees as being
24 "just a pretty face to take clients out" and in front of CBS' employee Frank
25 Quagliariello;

26 J. PLAINTIFF is informed and believes, and on that basis alleges that CBS
27 employee Frank Quagliariello told young female POP sales employees to
28 "show your clients your tits" if they wanted to "make more sales" on several

1 occasions; and

2 K. Scarlett referred to a young female sales person as “dumb as a box of rocks” in
3 speaking with PLAINTIFF.

4 28. PLAINTIFF is informed and believes that EMPLOYER DEFENDANTS
5 condoned and ratified the wrongful conduct of EMPLOYER DEFENDANTS and its employees,
6 and knew, or should have known, about POP and CBS employees’ continuous pattern of
7 harassment and discrimination against PLAINTIFF and other female employees, but failed to take
8 reasonable steps to prevent, to properly investigate, or to correct the ongoing unlawful behavior
9 by failing to take any appropriate disciplinary action against them.

10 29. PLAINTIFF is informed and believes that the sales industry within which
11 PLAINTIFF and the POP advertising sales employees work were well aware of Beecher
12 Scarlett’s history of wrongful misconduct before and during his employment at POP. For
13 example, Beecher Scarlett is known by numerous people in the industry by the nickname “Balls
14 Out Beecher” – a nickname he earned because of his proclivity to pull out his genitals and put
15 them on display as a party trick at social gatherings or parties.

16 30. PLAINTIFF is informed and believes that in or about 2013, Beecher Scarlett
17 engaged in several instances of inappropriate sexual statements and conduct towards at least one
18 female employee that were witnessed by co-workers. The female employee lodged her
19 complaints with POP regarding Scarlett and at some point she left the company. Following this
20 incident involving the female employee’s complaints, Mandell instructed Scarlett not to associate
21 with female employees outside of the office or after work hours – a fact that Scarlett revealed
22 directly to PLAINTIFF. Further, as alleged herein, Scarlett was prohibited from drinking
23 alcoholic beverages at company-sponsored events.

24 **C. Ms. Isaacs’ Requests A Promotion**

25 31. PLAINTIFF has worked for POP for five (5) years without a significant raise or
26 promotion. Every other department at POP has promoted women to Senior Vice President and
27 comparable positions/titles except for the sales department under DUPONT.
28

1 32. Since PLAINTIFF has worked at POP, eighteen female employees have left POP,
2 ten of whom were in the sales department. Some of these female employees in sales told
3 PLAINTIFF that they were leaving because they felt they would never be promoted because they
4 were female, and that they had watched male employees be promoted and be given additional
5 opportunities and/or responsibilities despite being less qualified, and/or these female employees
6 left because they could not tolerate the sexist and demeaning comments regarding women made
7 by male employees.

8 33. PLAINTIFF was aware of how her supervisor DUPONT felt about women who
9 were past their 30s. As an example, at a breakfast meeting, a client began discussing with
10 PLAINTIFF and DUPONT a new role of working with a large staff. DUPONT interrupted the
11 client, saying, “Good luck getting rid of the oldies, you can't touch them after 40, trust me” as he
12 rolled his eyes in disgust.

13 34. PLAINTIFF had been working at POP for almost five (5) years when she decided
14 to ask for a promotion from DUPONT, the supervisor to whom she had been reporting throughout
15 the duration of her employment. In August 2017, when PLAINTIFF asked for the promotion,
16 including a significant raise, DUPONT said he was supportive but had no authority to give it and
17 that she had to ask Schwartz. He also said he was “worried about Beecher and his ego” if he gave
18 her the promotion and not Scarlett.

19 35. PLAINTIFF was stunned by DUPONT’s response. Scarlett is a male employee in
20 his early forties, and is much less qualified and experienced than PLAINTIFF. Before POP,
21 Scarlett was a lower level account executive in sales at NBC with no supervisory experience or
22 notable achievements. Several years ago, POP had placed Scarlett on probation for inappropriate
23 behavior towards younger female employees, one of whom filed a lawsuit against him for sexual
24 harassment. PLAINTIFF is informed and believes, and thereon alleges that Scarlett was observed
25 numerous times by DUPONT to engage in inappropriate sexual behavior and make inappropriate
26 sexual comments to female employees. PLAINTIFF herself observed Schwartz and Mandell
27 watch Scarlett to be intoxicated and/or inebriated at POP sponsored and/or company events on
28 several occasions and looked the other way. It was well known by PLAINTIFF and most POP

1 sales employees that Scarlett was prohibited from drinking alcoholic beverages at POP company
2 events for the past several years. Also well known was that Scarlett got around this prohibition
3 by charging his alcoholic beverages at company events to his personal credit card.

4 36. Approximately three years ago, DUPONT encouraged PLAINTIFF and other
5 employees to complain about Scarlett's inappropriate behavior to the human resources
6 department in a concerted effort to get him fired from POP.

7 37. In September, 2017, PLAINTIFF approached Schwartz directly with her proposal
8 for a promotion and significant raise. Schwartz replied that PLAINTIFF's proposal was up to
9 DUPONT. After that, PLAINTIFF followed up with both DUPONT and Schwartz several times,
10 each claiming neither could decide while giving inconsistent reasons why PLAINTIFF could not
11 get a promotion or raise.

12 **D. Ms. Isaacs' Contact With LIONSGATE's Human Resources Director Results In**
13 **Retaliation Against Her**

14 38. A few months before she made her proposal to DUPONT and Schwartz,
15 PLAINTIFF and Scarlett had a disagreement over a client billing matter, whereupon Scarlett
16 began to bully PLAINTIFF in telephone calls and in emails. At one point, Scarlett called
17 PLAINTIFF, demanded she apologize to him, and threatened to report her for insubordination if
18 she didn't. Scarlett appeared to be intoxicated – behavior for which he had been put on probation
19 previously. PLAINTIFF was concerned about future threats from Scarlett, and what he might try
20 to do further bully her, and relayed the incident to DUPONT. DUPONT said nothing and
21 exhibited a complete lack of concern in response to PLAINTIFF's request for assistance.

22 39. After DUPONT ignored her concerns, PLAINTIFF contacted LIONSGATE's
23 Director of Human Resources Eileen Kohler ("Kohler"). PLAINTIFF spoke with Kohler several
24 times in September and early October, 2017. Kohler assured PLAINTIFF that her comments
25 would remain confidential.

26 40. Kohler contacted her boss Ross Pollack, Director of Human Resources for
27 LIONSGATE, and shortly thereafter PLAINTIFF learned that POP hired outside counsel at
28 Ogletree Denkins to conduct a workplace investigation. PLAINTIFF is informed and believes

1 that current and former employees of POP were interviewed by outside counsel and those
2 employees expressed a range of concerns including hostile work environment, sexual harassment
3 and intimidation, discrimination, among other concerns regarding working at POP.

4 41. Within a week or so of PLAINTIFF's conversations with Kohler, DUPONT began
5 telling employees at POP's New York office that PLAINTIFF will "never be promoted" and that
6 PLAINTIFF was "trying to get Beecher fired so she can get promoted. Beecher will never be
7 fired and Leslie will never be promoted. She is crazy!" DUPONT repeated these statements
8 numerous times to employees at POP. PLAINTIFF is informed and believes and thereon alleges
9 that DUPONT made these statements to people associated at POP's office in Los Angeles as well
10 as to third parties such as clients and industry colleagues, and that Kohler was made aware of
11 DUPONT's behavior. DUPONT continued to make the defamatory statements. PLAINTIFF felt
12 threatened by DUPONT's conduct.

13 42. On October 13, 2017, DUPONT sent PLAINTIFF and others a POP organizational
14 chart showing Scarlett as PLAINTIFF's immediate supervisor and PLAINTIFF with a new title
15 of "Regional VP" as opposed to Vice President, West Coast Sales. In other words, DUPONT
16 demoted PLAINTIFF without explanation or review and promoted Scarlett as her immediate
17 supervisor. PLAINTIFF had never seen the organizational chart before. She became physically
18 ill upon reviewing it. Now, PLAINTIFF was being threatened, and felt bullied by DUPONT,
19 who seemed to her to engage in a campaign of intimidation aimed at her.

20 43. Scarlett wasted no time at taking advantage of his promotion from DUPONT. He
21 began communicating directly with PLAINTIFF's staff, and excluded PLAINTIFF from the
22 communications. PLAINTIFF is informed and believes and thereon alleges that Scarlett had the
23 approval from DUPONT to engage in a similar campaign of threats and bullying type of behavior
24 aimed at her. PLAINTIFF remained physically ill at the series of events that had occurred
25 culminating in Scarlett's promotion to her immediate supervisor. Among other things, her blood
26 pressure increased, she suffered from loss of sleep and appetite, anxiety, general nausea, and
27 requested to work remotely on a temporary basis pending the outcome of the workplace
28 investigation, which POP approved. The outside investigation took months to complete, but

1 PLAINTIFF remained hopeful during this time while working remotely under the circumstances.
2 Ultimately, POP told PLAINTIFF that it would do nothing in response to her concerns and that
3 her claims were without any merit whatsoever.

4 44. At or about the same time as Scarlett's promotion in or about October, 2017,
5 DUPONT promoted a male employee, approximately in his late thirties, to a new expanded Vice
6 President role in sales and who reported directly to DUPONT.

7 45. In October, November and December, 2017, PLAINTIFF's attorney
8 communicated additional concerns of PLAINTIFF's directly to POP as well as General Counsel
9 for LIONSGATE and General Counsel for CBS. As of the filing of this lawsuit, neither
10 LIONSGATE nor CBS have responded to any of PLAINTIFF's concerns and complaints.
11 Further, POP, LIONSGATE and CBS all refused to participate in a mediation, forcing her to file
12 this lawsuit and make her situation public.

13 46. After PLAINTIFF retained counsel and informed EMPLOYER DEFENDANTS of
14 this, DEFENDANTS continued to demote PLAINTIFF, stripping away her job duties and
15 responsibilities such as, but not limited to, the following:

- 16 A. DUPONT and Scarlett began communicating directly with PLAINTIFF's staff and
17 excluding PLAINTIFF from those communications, which created an unnecessary
18 obstacle for PLAINTIFF to communicate with her staff in order to achieve her
19 department's sales performance goals;
- 20 B. Scarlett told PLAINTIFF he would be conducting her review this year – something
21 he had never done before as DUPONT had always been the one she reported to
22 and who had conducted her evaluation every year since she began working at POP;
- 23 C. PLAINTIFF is informed and believes and thereon alleges that DUPONT continued
24 to say to POP employees around him that PLAINTIFF was "crazy";
- 25 D. PLAINTIFF has been excluded from the Bi-Weekly Ad Sales Manager Meetings,
26 which she was involved in approximately twice a month since she began working
27 at POP in 2013;
- 28 E. During the Bi-Weekly Priorities Meetings, PLAINTIFF is no longer asked for her

1 input or opinions despite the fact that she was asked for substantial input at almost
2 every meeting prior to coming forward with her concerns and claims;

3 F. PLAINTIFF has been excluded from organizing the Annual Ad Sales Conference
4 despite the fact that she had taken the lead in organizing the four years prior;

5 G. PLAINTIFF was excluded from attending the annual Television Critics
6 Association event which she had attended every year prior; and

7 H. PLAINTIFF has been generally ostracized and excluded in significant internal
8 corporate meetings and communications which is directly impacting her ability to
9 perform her job duties, hit sales goals and earn her commission in sales;

10 I. For some months DUPONT has excluded PLAINTIFF from attending breakfast
11 meetings with DUPONT and the Vice President of CBS-LA, a meeting that she
12 regularly coordinated and attended prior to speaking with Kohler;

13 J. Since last year, DUPONT excluded PLAINTIFF from attending the annual
14 company meeting to unveil POP's plans to CBS executives without any
15 explanation – the most important corporate meeting all year and one in which she
16 played a major role in the presentation in every prior year before; and

17 K. As of mid-January, 2018, DUPONT promoted a younger male employee who is
18 approximately in his thirties, with much less sales experience and no supervisory
19 experience, to a supervisory position superior to PLAINTIFF's position.

20 47. PLAINTIFF's co-workers observed the retaliation against her by DUPONT,
21 Scarlett, and Schwartz, and the humiliation she endured on an almost daily basis.

22 DEFENDANTS' conduct has demeaned, embarrassed and humiliated PLAINTIFF with her staff,
23 her industry colleagues, and her clients.

24 48. PLAINTIFF's demotion has absolutely nothing to do with her work performance,
25 as she has consistently reached her goals and has brought in more than \$25 million in ad sales
26 while employed with DEFENDANTS.

27 49. Following PLAINTIFF's meetings with Kohler, DUPONT and Scarlett began
28 meeting with POP employees in the New York office. PLAINTIFF is informed and believes, and

1 thereon alleges that EMPLOYER DEFENDANTS disclosed the list of people that the outside
2 investigator would interview, and thereon DUPONT and Beecher and Futterman and Frank
3 Quagliariello began to contact, meet with and coach those people as to what they should tell
4 outside investigator. PLAINTIFF is informed and believes, and thereon alleges that DUPONT
5 and Scarlett met with employees individually in the POP New York office behind closed doors
6 for long periods of time with no apparent business reason to do so. PLAINTIFF is further
7 informed and believes that Kohler was notified by some of the people who were interviewed of
8 the meeting and coaching of witnesses by DUPONT, Beecher, Futterman, and Quagliariello.

9 50. In or about early October, 2017, Kohler told PLAINTIFF that LIONSGATE would
10 hire a part-time human resources employee for POP's New York office. It didn't. Instead, CBS
11 sent one of its human resources employees to be physically present in POP's New York office.
12 The CBS human resources employee was present in the New York office for one week in late
13 October 2017.

14 51. Since approximately September 2017, PLAINTIFF's numerous requests to POP to
15 informally resolve her claims were met with delays and excuses. POP's response was to inform
16 PLAINTIFF that her claims had no merit and were unsubstantiated. POP also revoked its
17 agreement to allow PLAINTIFF to work remotely as much as possible and required her to
18 directly interact with DUPONT and Scarlett, who remain employed by POP. PLAINTIFF felt
19 this revocation without explanation was intended to further intimate and bully her into dropping
20 her claims against EMPLOYER DEFENDANTS.

21 52. As of the filing of this lawsuit, EMPLOYER DEFENDANTS have taken no
22 corrective action with respect to any of PLAINTIFF's concerns.

23 53. PLAINTIFF is informed and believes that EMPLOYER DEFENDANTS failed to
24 properly investigate and/or discipline DUPONT or any other of their employees following
25 PLAINTIFF's complaints of discrimination and retaliation. PLAINTIFF is informed and believes
26 that DEFENDANTS failed to take immediate and appropriate corrective action to ensure that
27 PLAINTIFF would not be subjected to further discriminatory treatment. Instead, DEFENDANTS
28 retaliated against PLAINTIFF for having reported DUPONT's and Scarlett's conduct by, among

1 other things, ostracizing her, defaming her, and excluding her from communications with her
2 staff.

3 54. EMPLOYER DEFENDANTS' employees, and each of them, while acting in the
4 course and scope of their employment with and/or carrying out the policies and practices of
5 EMPLOYER DEFENDANTS, engaged in conduct which was designed to intimidate
6 PLAINTIFF from availing herself of her rights protected by the laws of California.

7 **D. President Schwartz Meets With Ms. Isaacs About Her Future At POP**

8 55. On January 26, 2018, POP's President Brad Schwartz asked to meet with
9 PLAINTIFF to discuss her future at POP. PLAINTIFF believed that he was going to offer her a
10 promotion since POP's outside counsel had referenced a promotion several times in
11 communications with PLAINTIFF's counsel, since there was no other reason for the two of them
12 to meet or talk. Schwartz told PLAINTIFF that CBS and LIONSGATE were aware of the outside
13 investigation into POP's workplace as well as the findings in a written report. He told
14 PLAINTIFF that her "claims were investigated and that she had no claims to pursue" or words to
15 that effect. He then said, "I need to know if you want to be here" and then asked "what are your
16 plans? How do you see yourself fitting in here?" Instead of making an offer of a promotion,
17 Schwartz told PLAINTIFF words to the effect that "I need to know what your plans are before we
18 can discuss your promotion." PLAINTIFF told Schwartz she needed to think about what he said.
19 Implicit in his words and demeanor, PLAINTIFF understood that Schwartz was making a threat
20 to her that she needed to drop any claims against POP in order to get the promotion and
21 substantial raise she had requested, or even to remain employed at POP. PLAINTIFF was
22 physically ill during the discussion.

23 56. The following business day, PLAINTIFF received notification that her
24 compensation package for 2018 included a 2.5% cost of living increase to her salary, with no
25 mention of a promotion.

26 57. In early March, 2018, POP had its annual sales conference. PLAINTIFF did not
27 attend. However, POP employees informed PLAINTIFF of a series of disturbing events that
28 occurred as follows:

- 1 A. Scarlett, at separate times, told employees at the conference that
- 2 PLAINTIFF was lying in her lawsuit about what occurred, also saying
- 3 “Everything that comes out of that woman’s mouth is a lie!”;
- 4 B. Scarlett intimidated and harassed various employees who appeared to
- 5 express any support for PLAINTIFF;
- 6 C. Scarlett told an employee, “Why would I want to know what Leslie’s
- 7 vagina smells like? That’s disgusting!” (while repeatedly laughing);
- 8 D. A male supervisor employee tried to show a junior female employee (who
- 9 he directly supervised) his “dick pics” on his cell phone; and
- 10 E. DUPONT told various employees that they should stop associating with
- 11 certain people if they wanted to stay or get promoted at POP.

12 58. Instances of discriminatory and unlawful conduct by DUPONT and Scarlett have
13 been reported to human resource representative at POP, Lionsgate and CBS since approximately
14 2012, yet nothing has changed. To the extent necessary, settlements have been made. However,
15 none of the events alleged herein has been acknowledged by POP, no reprimands have been
16 issued, and DUPONT and Scarlett remain in their supervisory positions over the very people they
17 are attempting to intimidate. DUPONT’s unrestrained wrongful conduct in a position of
18 supervisor of advertising sales allows him to groom employees loyal to him, and allow his to
19 continue to foster an environment of discriminatory and retaliatory conduct with no intervention
20 from POP, Lionsgate or CBS despite their knowledge of these incidents.

21

22 **INJURIES TO PLAINTIFF**

23 59. As a direct and proximate result of the foregoing unlawful and malicious acts of
24 DEFENDANTS, PLAINTIFF has suffered, and will continue to suffer, great mental and
25 emotional anguish. Additionally, PLAINTIFF has suffered, and will continue to suffer, physical
26 symptoms as a result of DEFENDANTS’ conduct. Further, PLAINTIFF has been humiliated and
27 embarrassed as a result of the foregoing acts and omissions of DEFENDANTS.

28 60. As a further direct and proximate result of the foregoing unlawful and malicious

1 acts of DEFENDANTS, PLAINTIFF has suffered monetary damages in an amount subject to
2 proof at trial but within the jurisdictional limit of this court as it is well in excess of \$25,000.00.

3
4 **FIRST CAUSE OF ACTION**

5 **Gender Discrimination in Violation of Cal. Gov't Code § 12940(a)**

6 (Against Defendants POP, LIONSGATE, CBS and Does 1-25, inclusive)

7 61. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
8 Complaint as if fully set forth herein and for a cause of action alleges as follows:

9 62. At all times herein mentioned, California's Fair Employment and Housing Act
10 ("FEHA"), Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding
11 upon Defendants. PLAINTIFF was a member of a group protected by the statute, in particular
12 section 12940(a), prohibiting discrimination in employment based on sex.

13 63. PLAINTIFF's demotion and denial of a promotion by EMPLOYER
14 DEFENDANTS constitutes discrimination based on gender and violates Government Code
15 § 12940(a).

16 64. As a direct, foreseeable and proximate result of EMPLOYER DEFENDANTS'
17 unlawful actions, PLAINTIFF has suffered and continues to suffer substantial losses in earnings,
18 equity and other employment benefits and has incurred other economic losses.

19 65. As a further direct, foreseeable and proximate result of EMPLOYER
20 DEFENDANTS' unlawful actions, PLAINTIFF has suffered emotional distress, humiliation,
21 shame, embarrassment, and physical injuries, all to PLAINTIFF's damage in an amount to be
22 proven at time of trial.

23 66. EMPLOYER DEFENDANTS committed the acts herein despicably, maliciously,
24 fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF, from an
25 improper and evil motive amounting to malice, and in conscious disregard of the rights or safety
26 of PLAINTIFF and others. PLAINTIFF is thus entitled to recover punitive damages from
27 EMPLOYER DEFENDANTS in an amount according to proof.
28

1 **SECOND CAUSE OF ACTION**

2 **Age Discrimination in Violation of Cal. Gov't Code § 12940(a)**
3 (Against Defendants POP, LIONSGATE, CBS and Does 1-25, inclusive)

4 67. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
5 Complaint as if fully set forth herein, and for a cause of action alleges as follows:

6 68. At all times herein mentioned, California's Fair Employment and Housing Act
7 ("FEHA"), Cal. Gov't Code §§ 12900, *et seq.*, was in full force and effect and was fully binding
8 upon EMPLOYER DEFENDANTS. FEHA prohibits unlawful discrimination based on age.
9 California Government Code § 12940(a) provides that it is an unlawful employment practice
10 "[f]or an employer, because of the ... age ... of any person, to refuse to hire or employ the person
11 ... to discharge the person from employment ... or to discriminate against the person in
12 compensation terms, conditions or privileges of employment." Pursuant to California
13 Government Code § 12926(b), "[a]ge' refers to the chronological age of any individual who has
14 reached his or her 40th birthday."

15 69. Through DEFENDANTS' reassignment of PLAINTIFF's job duties to a younger
16 employee, her demotion, the promotion of Scarlett to her immediate supervisor, EMPLOYER
17 DEFENDANTS undertook a discriminatory course of conduct that was sufficiently similar in
18 kind and which occurred with reasonable frequency and which showed a systemic policy or
19 practice of discrimination.

20 70. EMPLOYER DEFENDANTS' systemic policy of discrimination manifested itself
21 in:

- 22 A. Reassigning PLAINTIFF's job duties because of her age to younger
23 employees;
24 B. Demoting PLAINTIFF because of her age;
25 C. Replacing PLAINTIFF with younger employees.

26 71. EMPLOYER DEFENDANTS discriminated against PLAINTIFF on the basis of
27 her age in direct violation of FEHA through numerous illegal acts including, but not limited to:

- 28 D. Reassigning PLAINTIFF's job duties because of her age to younger

1 employees;

2 E. Demoting PLAINTIFF because of her age;

3 F. Replacing PLAINTIFF with younger employees.

4 72. PLAINTIFF's age was a motivating reason for EMPLOYER DEFENDANTS'
5 disparate and discriminatory treatment of PLAINTIFF in the terms and conditions of her
6 employment.

7 73. As a direct and proximate result of the conduct of the EMPLOYER
8 DEFENDANTS, PLAINTIFF has suffered and will continue to suffer damages in terms of lost
9 wages, lost bonuses, lost benefits, and other pecuniary loss according to proof.

10 74. PLAINTIFF has also suffered and will continue to suffer physical and emotional
11 injuries, including anxiety, worry, embarrassment, humiliation, mental anguish, and serious,
12 severe emotional distress. The amount of PLAINTIFF's damages will be ascertained at trial.

13 75. EMPLOYER DEFENDANTS acted in a despicable, oppressive, and malicious
14 manner with the express intent of injuring or damaging PLAINTIFF or with conscious disregard
15 of his rights and with the intent to vex, injure, and annoy PLAINTIFF, such as to constitute
16 oppression, fraud, or malice under California Civil Code § 3294, thereby entitling PLAINTIFF to
17 punitive and exemplary damages against DEFENDANTS in a sum appropriate to punish and
18 make an example out of EMPLOYER DEFENDANTS.

19 76. The acts of oppression, fraud, or malice, were engaged in by employees of
20 EMPLOYER DEFENDANTS. Each of the foregoing EMPLOYER DEFENDANTS had advance
21 knowledge of the unfitness of each employee who acted with malice, oppression, or fraud and
22 employed him or her with a conscious disregard of the rights or safety of PLAINTIFF, and/or
23 authorized or ratified the wrongful conduct for which an award of punitive damages in sought,
24 and/or was personally guilty of oppression, fraud, or malice. The advance knowledge and
25 conscious disregard, authorization, ratification, or act of oppression, fraud, or malice was
26 committed by or on the part of an officer, director, or managing agent of each of the corporate
27 employer defendants, thereby entitled PLAINTIFF to punitive and exemplary damages against
28 each corporate employer defendant in accordance with California Civil Code § 3294 in a sum

1 appropriate to punish and make an example of each corporate employer Defendant.

2 77. FEHA provides for an award of reasonable attorneys' fees and costs incurred by
3 the prevailing party in an action brought under its provisions. PLAINTIFF has employed and will
4 continue to employ attorneys for the initiation and prosecution of this action. PLAINTIFF has
5 incurred and will continue to incur attorneys' fees and costs herein. PLAINTIFF is entitled to an
6 award of attorneys' fees and costs under California Government Code § 12965(b).

7 78. PLAINTIFF has been generally damaged in an amount within the jurisdictional
8 limits of this Court.

9 79. Pursuant to Government Code § 12965(b), PLAINTIFF seeks an award from the
10 court of reasonable attorney's fees and costs incurred in obtaining the declaratory and injunctive
11 relief in this cause of action.

12
13 **THIRD CAUSE OF ACTION**
14 **Sexual Harassment, Sex Discrimination and/or Age Discrimination**
15 **Based on Hostile Work Environment**
16 **in Violation of Cal. Gov't Code § 12940(j) & 2 Cal. Code Regs. § 7287.6**
17 **(Against Defendants POP, LIONSGATE, CBS and Does 1-25, inclusive)**

18 80. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
19 Complaint as if fully set forth herein, and for a cause of action alleges as follows:

20 81. Government Code § 12940(j)(1) requires EMPLOYER DEFENDANTS (including
21 DOES 1 to 25 hereinafter) to refrain from harassing, or creating, or maintaining a hostile work
22 environment against an employee based on her age and sex/gender, and engagement in protected
23 activities as set forth herein.

24 82. EMPLOYER DEFENDANTS violated Government Code § 12940(j)(1) by
25 discriminating against PLAINTIFF when they allowed harassment on the basis of age and
26 sex/gender, retaliated against PLAINTIFF for opposing age and gender harassment, failed to
27 prevent violations of the Fair Employment and Housing Act, as described above.

28 83. In perpetrating the above-described actions, EMPLOYER DEFENDANTS, and
each of them, engaged in a continuing and ongoing pattern and practice of unlawful sexual

1 harassment in violation of Government Code § 12940(j)(1).

2 84. PLAINTIFF was a member of a protected class as a woman who was the target of
3 age/gender/sexual harassment by her co-workers.

4 85. EMPLOYER DEFENDANTS, and each of them, discriminated and harassed
5 PLAINTIFF and/or failed to take immediate and appropriate corrective action. The conduct was
6 sufficiently pervasive or severe as to alter the conditions of PLAINTIFF's employment to create a
7 hostile, intimidating or abusive work environment.

8 86. EMPLOYER DEFENDANTS, as the employer of PLAINTIFF's co-workers, is
9 strictly liable for their conduct, on information and belief, EMPLOYER DEFENDANTS knew or
10 should have known of the sexual harassment and failed to take immediate and appropriate
11 corrective action.

12 87. PLAINTIFF suffered the adverse employment actions of unlawful harassment and
13 discrimination, failure to prevent harassment and discrimination, and termination, and was
14 harmed thereby.

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

19 89. As a direct, foreseeable and proximate result of the aforementioned wrongful
20 conduct of EMPLOYER DEFENDANTS, 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 90. As a direct, foreseeable and proximate result of the aforementioned wrongful
24 conduct of EMPLOYER DEFENDANTS, 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 91. The above described acts by EMPLOYER DEFENDANTS, by and through their
28 managing agents, officers or directors, were engaged in with deliberate, cold, callous, fraudulent,

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

12 92. 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
15 **FOURTH CAUSE OF ACTION**

16 **Retaliation in Violation of Cal. Gov't Code § 12940(h)**

17 (Against Defendants POP, LIONSGATE, CBS and Does 1-25, inclusive)

18 93. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
19 Complaint as if fully set forth herein, and for a cause of action alleges as follows:

20 94. At all times herein mentioned, California's Fair Employment and Housing Act
21 ("FEHA"), Cal. Gov't Code §§ 12900, *et seq.*, was in full force and effect and was fully binding
22 upon Defendant. Specifically, § 12940(h) makes it an unlawful employment practice for an
23 employer to discriminate against any person because the person has opposed any practices
24 forbidden under this part. Said statute imposes certain duties upon EMPLOYER DEFENDANTS
25 concerning discrimination, harassment and retaliation against persons, such as PLAINTIFF, on
26 the basis of gender or complaints of discrimination or harassment. Said statutes were intended to
27 prevent the type of injury and damage set forth herein. PLAINTIFF was, at all time herein
28 mentioned, a member of the class of persons intended to be protected by said statutes.

1 95. As alleged above, PLAINTIFF was retaliated against for making complaints of
2 discrimination.

3 96. As a direct, foreseeable, and legal result of EMPLOYER DEFENDANTS
4 discriminatory, harassing and retaliatory acts, PLAINTIFF has suffered losses in earnings,
5 attorney's fees and costs of suit and has suffered and continues to suffer physical pain,
6 humiliation, embarrassment, mental and emotional distress, and discomfort, all to her damage in
7 an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will
8 be proven at trial.

9 97. EMPLOYER DEFENDANTS committed the acts herein despicably, maliciously,
10 fraudulently, and oppressively, with the wrongful intention of injuring PLAINTIFF, from an
11 improper and evil motive amounting to malice, and in conscious disregard of the rights and safety
12 of PLAINTIFF and others. PLAINTIFF is thus entitled to recover punitive damages from
13 Defendants in an amount according to proof.

14 98. As a result of EMPLOYER DEFENDANTS' discriminatory acts as alleged herein,
15 PLAINTIFF is entitled to reasonable attorneys' fees and costs of said suit as provided by
16 California Government Code Section 12965(b).

17
18 **FIFTH CAUSE OF ACTION**

19 **Failure to Prevent Discrimination in Violation of Cal. Gov't Code § 12940(k)**
20 (Against Defendants POP, LIONSGATE, CBS and Does 1-25, inclusive)

21 99. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
22 Complaint as if fully set forth herein, and for a cause of action alleges as follows:

23 100. At all times herein mentioned, California's Fair Employment and Housing Act
24 ("FEHA"), Cal. Gov't Code §§ 12900, *et seq.*, was in full force and effect and was fully binding
25 upon Defendant. Specifically, § 12940(k) makes it an unlawful employment practice for an
26 employer to fail to take all reasonable steps necessary to prevent discrimination from occurring.

27 101. In violation of Government Code § 12940(k), EMPLOYER DEFENDANTS
28 (including DOES 1-25 hereafter) failed to take all or any reasonable steps necessary to prevent

1 discrimination from occurring including:

- 2 A. With respect to gender and age discrimination, EMPLOYER DEFENDANTS either
3 had no policy or had a policy that was ineffective;
- 4 B. With respect to complaints of discrimination and retaliation, EMPLOYER
5 DEFENDANTS had ineffective procedures;
- 6 C. EMPLOYER DEFENDANTS either failed to implement whatever policies, practices
7 and procedures might have been in existence, or failed to implement any such policies,
8 practices and procedures in an effective manner.

9 102. As described above, EMPLOYER DEFENDANTS failed to adequately investigate
10 DUPONT's behavior, failed to take all reasonable steps to prevent him from discriminating and
11 retaliating against PLAINTIFF and did not investigate or discipline him in response to
12 PLAINTIFF's complaint. EMPLOYER DEFENDANTS' failed to take all reasonable steps
13 necessary to prevent harassment from occurring in violation of § 12940(k).

14 103. At all relevant time periods, EMPLOYER DEFENDANTS failed to make an
15 adequate or any response to the harassing conduct described above and thereby established a
16 policy, custom, practice or usage, which condoned, encouraged, tolerated, sanctioned, ratified,
17 approved of, and/or acquiesced in harassment against women employees, including, but not
18 limited to, PLAINTIFF.

19 104. PLAINTIFF is informed and believes that during all relevant time periods,
20 Defendants failed to provide any or adequate training and education to their personnel and most
21 particularly to management and supervisory personnel regarding their discrimination and
22 harassment policies and procedures. EMPLOYER DEFENDANTS knew or reasonably should
23 have known that such failure would result in discrimination and/or harassment against women
24 employees, including, but not limited to, PLAINTIFF. Such failure on the part of EMPLOYER
25 DEFENDANTS constituted deliberate indifference to the rights of women employees, including,
26 but not limited PLAINTIFF under Government Code § 12940(k).

27 105. EMPLOYER DEFENDANTS' failure to prevent and/or stop the harassment
28 described herein compounded and exacerbated the physical and emotional injuries PLAINTIFF

1 was already suffering as a result of the unlawful conduct described above. As a proximate result
2 of EMPLOYER DEFENDANTS' conduct as described more fully above, PLAINTIFF suffered
3 economic damages, including lost earnings, noneconomic damages, including, without limitation,
4 physical pain, humiliation, embarrassment and discomfort, physical and mental emotional distress
5 and anguish, all to PLAINTIFF's damages in an amount to be proven at trial but in excess of the
6 jurisdictional threshold of this court.

7 106. PLAINTIFF is informed and believes and thereon alleges that the EMPLOYER
8 DEFENDANTS, and each of them, by the acts of its managing agents, officers and/or directors in
9 the aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional,
10 oppressive and despicable conduct, and acted with willful and conscious disregard of the rights,
11 welfare and safety of PLAINTIFF, thereby justifying the award of punitive and exemplary
12 damages, against Defendants POP, LIONSGATE, CBS and DOES 1-25, in an amount to be
13 determined at trial.

14 107. As a result of EMPLOYER DEFENDANTS' acts as alleged herein, PLAINTIFF
15 is entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b) of the
16 California Government Code.

17
18 **SIXTH CAUSE OF ACTION**
19 **Defamation Per Se**
(Against Defendant Michael DuPont)

20 108. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
21 Complaint as if fully set forth herein and for a cause of action alleges as follows:

22 109. DUPONT caused to be published false and unprivileged communications tending
23 to directly to injure PLAINTIFF in her business and professional reputation. More specifically,
24 DUPONT made untrue statements regarding PLAINTIFF being "crazy". PLAINTIFF is
25 informed and believes and thereon alleges that Defendant DUPONT made this statement to
26 various employees at POP, including but not limited to, Frank Quagliariello Beecher Scarlett,
27 David Futterman, Kathryn Lombardi, and Angelina Mendez, at various times between September
28

1 2017 to the present.

2 110. Additionally, PLAINTIFF is informed and believes, and thereon alleges that in or
3 about late January, 2018, DUPONT made representations to POP employees and others that
4 PLAINTIFF “had a clear agenda” and would “act in ways that hurt the company to accomplish
5 her agenda.”

6 111. DUPONT’s defamatory statements were designed and intended to diminish
7 PLAINTIFF’s reputation and injure PLAINTIFF in her good name and employment.

8 112. As a proximate result of the defamatory statements made by DUPONT as
9 aforesaid, PLAINTIFF has suffered injury to her business and professional reputation, and further
10 has suffered and continues to suffer embarrassment, humiliation, and anguish, all to her damage
11 in an amount according to proof.

12 113. DUPONT committed the acts alleged herein maliciously, fraudulently, and
13 oppressively, with the wrongful intention of injuring PLAINTIFF, and acted with an improper
14 and evil motive amounting to malice and in conscious disregard of PLAINTIFF’s rights. Because
15 the acts taken toward PLAINTIFF were carried out by DUPONT acting in a deliberate, cold,
16 callous, and intentional manner in order to injure and damage PLAINTIFF, she is entitled to
17 recover punitive damages from DUPONT in an amount according to proof.

18
19 **SEVENTH CAUSE OF ACTION**
20 **Intentional Infliction of Emotional Distress**
(Against All Defendants and Does 1-25, inclusive)

21 114. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
22 Complaint as if fully set forth herein and for a cause of action alleges as follows:

23 115. DEFENDANTS, and each of them, engaged in extreme and outrageous conduct by
24 intentionally and/or recklessly subjecting PLAINTIFF, or permitting PLAINTIFF to be subjected
25 to, defamatory comments, abuse, harassment, discrimination and retaliation. DEFENDANTS,
26 and each of them, ratified such conduct by failing and refusing to take any and all reasonable
27 steps necessary to prevent such conduct from occurring, by failing to take appropriate corrective
28

1 action following such conduct and, in the case of DUPONT, who held supervisory positions with
2 POP and DOES 1-25, inclusive, by engaging in such conduct. As a direct and legal result,
3 PLAINTIFF was harmed, and continues to suffer harm, in an amount to be proved at trial.

4 116. PLAINTIFF is informed and believes Defendants POP, LIONSGATE, CBS, and
5 DOES 1 through 25, inclusive, and each of them, their agents, and/or assigns failed to investigate
6 the matter in an adequate fashion and failed to take steps reasonably necessary to prevent
7 foreseeable harm to PLAINTIFF by DUPONT.

8 117. As a direct and legal result of DEFENDANTS' willful, wanton, intentional,
9 outrageous and malicious conduct, PLAINTIFF suffered severe and extreme mental and
10 emotional distress, as well as physical harm, the exact nature and extent of which are not
11 presently known to PLAINTIFF.

12 118. PLAINTIFF does not at this time know the exact duration or permanence of said
13 injuries, but is informed and believes that some of the injuries are reasonably certain to be
14 permanent in character.

15 119. By the aforesaid acts and omissions of DEFENDANTS, and each of them,
16 PLAINTIFF has been directly and legally caused to suffer damages as alleged herein.

17 120. The aforementioned acts of DEFENDANTS, and each of them, were willful,
18 malicious, intentional, oppressive and despicable and were done in willful and conscious
19 disregard of the rights, welfare and safety of PLAINTIFF, thereby justifying the awarding of
20 punitive and exemplary damages, against all of the individual Defendants only, in an amount to
21 be determined at time of trial.

22
23 **EIGHTH CAUSE OF ACTION**
24 **Negligent Hiring, Retention & Supervision**
(Against Defendants POP, LIONSGATE, and CBS and DOES 1-25)

25 121. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
26 Complaint as if fully set forth herein and for a cause of action alleges as follows:

27 122. Upon information and belief, EMPLOYER DEFENDANTS (including DOES 1-
28

1 25 hereafter), by and through their agents and employees, knew or reasonably should have known
2 through reasonable investigation of the propensity for discrimination and defamatory statements
3 and conduct by DUPONT, Scarlett, Mandell and Schwartz.

4 123. EMPLOYER DEFENDANTS had a duty to not hire or retain DUPONT, Scarlett,
5 Mandell and Schwartz, among others referenced herein, given their history of conduct and
6 behavior, and to provide reasonable supervision of them.

7 124. EMPLOYER DEFENDANTS negligently hired, retained and/or failed to
8 adequately supervise DUPONT, Scarlett, Mandell and Schwartz in their positions over all sales
9 personnel and departments at POP, where they were able to commit the wrongful acts complained
10 of herein against PLAINTIFF. EMPLOYER DEFENDANTS failed to provide reasonable
11 supervision of these individuals despite knowing of the history of their conduct and complaints
12 made against them.

13 125. As a result of the above-described conduct, PLAINTIFF has suffered, and
14 continues to suffer, great pain of mind and body, shock, emotional distress, embarrassment, loss
15 of self-esteem, disgrace, humiliation and loss of enjoyment of life.

16 126. The harassment, discrimination and retaliation PLAINTIFF was subjected to, as
17 alleged herein, and the negligent response to her claims are not a normal risk of the employment
18 workplace. PLAINTIFF's claims of injury implicate fundamental public policy considerations
19 that are not pre-empted by the Workers Compensation Act. PLAINTIFF's claims for negligence
20 and negligent hiring, supervision, training and retention are based upon EMPLOYER
21 DEFENDANTS' failure to fulfill their duties to prevent harassment, discrimination, and
22 retaliation, which is conduct that falls outside the normal risk of the compensation bargain.

23 127. EMPLOYER DEFENDANTS engaged in these acts alleged herein and/or
24 condoned, permitted, authorized, and/or ratified the conduct of its employees and agents and is
25 vicariously liable for the wrongful conduct of its employees and agents for this cause of action.
26
27
28

1 **NINTH CAUSE OF ACTION**
2 **(Unfair Business Practices in Violation of California**
3 **Business and Professions Code §§ 17200-17208)**
4 (Against Defendants POP, LIONSGATE, and CBS and DOES 1-25)

5 128. PLAINTIFF hereby incorporates by reference Paragraphs 1 through 60 of this
6 Complaint as if fully set forth herein and for a cause of action alleges as follows:

7 129. The foregoing conduct, as alleged, violates the California Unfair Competition Law
8 (“UCL”), Cal. Bus. & Prof. Code § 17200 *et seq.* Section 17200 of the Cal. Bus. & Prof. Code
9 prohibits unfair competition by prohibiting, inter alia, any unlawful or unfair business acts or
10 practices.

11 130. Throughout the course of PLAINTIFF’s employment, EMPLOYER
12 DEFENDANTS (including DOES 1-25 hereafter) committed acts of unfair competition, as
13 defined by the UCL, by, among other things, engaging in the acts and practices described herein,
14 including but not limited to discriminating against her on the basis of her gender and age,
15 retaliating against her for complaining about discrimination, and defaming her. EMPLOYER
16 DEFENDANTS’ conduct as herein alleged has damaged the PLAINTIFF by wrongfully denying
17 her earned wages and equity, and therefore was substantially injurious to the PLAINTIFF.

18 131. EMPLOYER DEFENDANTS’ course of conduct, acts, and practices in violation
19 of the California laws mentioned in the above paragraph constitute a separate and independent
20 violation of the UCL in that its unlawful business practice in discriminating against Plaintiff
21 based on her age and gender. EMPLOYER DEFENDANTS’ conduct described herein violates
22 the policy or spirit of such laws or otherwise significantly threatens or harms competition. (See
23 *Herr v. Nestle U.S.A., Inc.* (2003) 109 Cal.App.4th 779.)

24 132. An actual controversy exists between PLAINTIFF and EMPLOYER
25 DEFENDANTS concerning whether EMPLOYER DEFENDANTS, and each of them, violated
26 PLAINTIFF’s rights under the California Fair Employment and Housing act, as alleged herein.
27 PLAINTIFF seeks a finding from the court that EMPLOYER DEFENDANTS’ adverse
28 employment actions were substantially motivated by unlawful discrimination regardless of

1 whether EMPLOYER DEFENDANTS prove that they would have made the same employment
2 decisions concerning PLAINTIFF even if discrimination was not a substantial motivating factor
3 for their adverse employment actions concerning PLAINTIFF. PLAINTIFF seeks an order from
4 the Court condemning EMPLOYER DEFENDANTS' discrimination employment policies or
5 practices, as provided by California Code of Civil Procedure § 1060.

6 133. In addition, upon a finding of unlawful discrimination, PLAINTIFF requests that
7 the Court grant injunctive relief to stop the discriminatory practices which violate FEHA as
8 provided for in California Government Code §§ 12920, 12920.5, which would include, but not be
9 limited to, the following:

- 10 A. Enjoining EMPLOYER DEFENDANTS from discriminating on the basis of age, 40
11 and over, in promotions of employees;
- 12 B. Issuing a statement to all employees that POP will not discriminate based on age or
13 gender;
- 14 C. Disseminating the final judgment in this case to all POP employees;
- 15 D. Ensuring that a human resources representative is available to meet with EMPLOYER
16 DEFENDANTS' New York office employees in person at any time as needed to
17 ensure that any policies of anti-discrimination, anti-harassment and anti-retaliation are
18 properly enforced and employees may make confidential claims in person to a human
19 resources representative at any time;
- 20 E. Ensuring that EMPLOYER DEFENDANTS' Boards are kept informed of all
21 discriminatory and retaliatory claims by employees within a reasonable amount of
22 time; and
- 23 F. Instituting a method to ensure the creation and implementation of appropriate
24 management training as to anti-discrimination, anti-harassment and anti-retaliation
25 policies.

26 134. Under FEHA, "in order to eliminate discrimination, it is necessary to provide
27 effective remedies that will both prevent and deter unlawful employment practices and redress the
28 adverse effects of those practices on aggrieved persons." California Government Code §

1 12920.5. One of the stated purposes of FEHA is “to provide effective remedies which will
2 eliminate” employment discrimination. California Government Code § 12920.

3 135. FEHA authorizes a Court to grant injunctive relief and prospective relief
4 including, but not limited to cease and desist orders, posting of notices, training of personnel and
5 other similar relief that is intended to correct unlawful employment practices. (California
6 Government Code § 12926 (a)).

7 136. Upon a determination that unlawful discrimination was a substantial motivating
8 factor in any employment decision concerning PLAINTIFF, PLAINTIFF requests this court to
9 enter an order enjoining EMPLOYER DEFENDANTS from engaging in those practices,
10 requiring the posting of notices containing employees’ rights and detailing EMPLOYER
11 DEFENDANTS violations of FEHA, requiring EMPLOYER DEFENDANTS to effectively train
12 their personnel in FEHA's proscriptions against discrimination and requiring EMPLOYER
13 DEFENDANTS to make periodic reports to the Court to ensure compliance by EMPLOYER
14 DEFENDANTS, and each of them, with their obligations under FEHA.

15 137. PLAINTIFF also seeks disgorgement in the amount of the respective unpaid wages
16 and equity and such other legal and equitable relief from EMPLOYER DEFENDANTS’ unlawful
17 and willful conduct as the Court deems just and proper.

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, PLAINTIFF prays for judgment against Defendants as follows:

- 21 1. For compensatory damages including, but not limited to, lost back pay, plus
22 interest, lost fringe benefits and future lost earnings and fringe benefits, lost equity, damages for
23 emotional distress and pain and suffering, according to proof allowed by law;
- 24 2. For punitive damages allowed by law and pursuant to Cal. Civ. Code § 3294;
- 25 3. For restitution and/or disgorgement;
- 26 4. For injunctive relief as set forth in the Eighth Cause of Action for Violation of
27 Business & Professions Code section 17200;
- 28 5. For an award to PLAINTIFF of costs of suit incurred herein and reasonable

1 attorneys' fees pursuant to Gov. Code § 12965(b) and B&P Code § 17200, et seq.;

2 6. For an award of prejudgment and post-judgment interest; and

3 7. For an award to PLAINTIFF of such other and further legal and equitable relief as
4 the Court deems just and proper.


5

6 DATED: April 13, 2018

DAEHNKE STEVENS LLP

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By: 

Margaret P. Stevens
Emily J. Atherton
Attorneys for Plaintiff
LESLIE ISAACS

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DEMAND FOR JURY TRIAL

Plaintiff Leslie Isaacs hereby requests a trial by jury on each claim for relief alleged in her First Amended Verified Complaint as allowed by law.

DATED: April 13, 2018

DAEHNKE STEVENS LLP

By: 

Margaret P. Stevens
Emily J. Atherton
Attorneys for Plaintiff
LESLIE J. ISAACS

VERIFICATION

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I, LESLIE ISAACS, declare:

I am the plaintiff in the above matter.

I have read the foregoing First Amended Verified Complaint and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

Executed on April 13, 2018, at Westlake Village, California.



Leslie Isaacs

EXHIBIT A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 31, 2018

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 201801-00993130
Right to Sue: Isaacs / POP MEDIA GROUP, LLC et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
 Under the California Fair Employment and Housing Act
 (Gov. Code, § 12900 et seq.)

4 **In the Matter of the Complaint of**
5 Leslie Isaacs

DFEH No. 201801-00993130

6 Complainant,

7 vs.

8 POP MEDIA GROUP, LLC
9 5510 Lincoln Blvd. Suite 400
10 Playa Vista, California 90094

11 LIONS GATE ENTERTAINMENT INC.
12 2700 Colorado Ave. Suite 200
13 Santa Monica, California 90404

14 CBS
15 51 W. 52nd Street
16 New York, New York 10019

17 Respondents.

18 1. Respondent **POP MEDIA GROUP, LLC** is an employer subject to suit under
19 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et
20 seq.).

21 2. Complainant **Leslie Isaacs**, resides in the City of State of .

22 3. Complainant alleges that on or about **January 19, 2018**, respondent took the
23 following adverse actions:

24 **Complainant was discriminated against** because of complainant's sex/gender,
25 age (40 and over) and as a result of the discrimination was denied hire or promotion,
26 demoted, denied a work environment free of discrimination and/or retaliation.

27 **Complainant experienced retaliation** because complainant reported or resisted
28 any form of discrimination or harassment and as a result was denied hire or
promotion, reprimanded, demoted, denied a work environment free of discrimination
and/or retaliation.

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Additional Complaint Details: Leslie Isaacs is a female over the age of forty and is currently employed by Pop Media Group, LLC, owned and managed by Lionsgate and CBS. She has suffered gender and age discrimination by her employers and supervisors, bullying, and a hostile work environment – conduct of which her employers were, or should have been, aware. She has been demoted and retaliated against in response to her lodging complaints for her supervisors' treatment of her, as well as her complaints as to how her supervisors have treated other employees. Pop Media Group, LLC, Lionsgate and CBS have failed to prevent and have allowed this unlawful and illegal conduct to persist. Prior to the filing of this complaint, her supervisors, among other things, demoted her, stripped responsibilities from her, and issued three promotions to male employees who are approximately ten (10) or more years younger than she and less qualified, the last promotion of which occurred on or about January 19, 2018. Since that time, she has experienced further bullying, intimidation and threatening behavior from her supervisors and is still employed and working for Pop Media Group, LLC as of the filing of this complaint.

1 VERIFICATION

2 I, **Margaret P. Stevens**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On January 31, 2018, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Los Angeles, CA

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

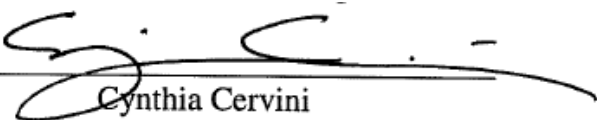
3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen years and am not a party to the within action. My business address is 5900 Wilshire
5 Boulevard, 12th Floor, Los Angeles, CA 90036.

6 On April 13, 2018, I served a true and correct copy of the foregoing document entitled
7 **FIRST AMENDED VERIFIED COMPLAINT** on the interested parties in this action as
8 follows:

<p>9 Cynthia Emry 10 Jackson Lewis P.C. 11 725 South Figueroa Street 12 Suite 2500 13 Los Angeles, CA 90017 14 Telephone: (213) 689-0404 15 emryc@jacksonlewis.com 16 <i>Counsel for Defendant</i> 17 <i>POP Media Group, LLC</i></p>	<p>Nancy L. Abell Paul Hastings LLP 515 South Flower Street Twenty-Fifth Floor, Los Angeles, CA 90071 Telephone (213) 683-6000 nancyabell@paulhastings.com <i>Counsel for Defendant</i> <i>Lions Gate Entertainment, Inc.</i></p>
<p>13 Keri E. Borders 14 Mayer Brown 15 350 South Grand Avenue 16 25th Floor 17 Los Angeles, CA 90071 18 Telephone (213) 229-5143 19 kborders@mayerbrown.com 20 <i>Counsel for Defendant CBS Corp.</i></p>	

21 [x] **BY EXPRESS MAIL:** (Code Civ. Proc. §§ 1310(c)(d), et seq.): I caused said
22 document(s) to be deposited with an express service carrier in a sealed envelope
23 designed by the carrier as an express mail envelope, with fees and postage prepaid to the
24 addresses as reflected above.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on April 13, 2018, at Los Angeles, California.

27 
28 Cynthia Cervini