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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

Judge Craig Griffin

13 WENDY HASKELL, an individual,)
14 Plaintiff,)
15 v.)
16 SPORTS 1 MARKETING CORP., a Delaware)
17 corporation; HAROLD WARREN MOON, an)
18 individual, and DOES 1-10, inclusive,)
19 Defendants.)

Case No. 30-2017-00959228-CU-OE-CJC
COMPLAINT FOR DAMAGES:
I. Sexual Harassment in Violation of FEHA -
Quid Pro Quo;
II. Sexual Harassment in Violation of FEHA -
Hostile Work Environment;
III. Discrimination Based on Sex in Violation
of FEHA;
IV. Failure to Prevent Discrimination and
Harassment;
V. Retaliation;
VI. Intentional Infliction of Emotional Distress;
VII. Negligent Retention & Supervision;
VIII. Sexual Battery; and
IX. Battery

JURY TRIAL DEMANDED

24
25 Comes now Plaintiff WENDY HASKELL for her Complaint against Defendants SPORTS 1
26 MARKETING CORP., HAROLD WARREN MOON and DOES 1 through 10, inclusive, and alleges as
27 follows:
28

INTRODUCTION

1
2 1. When Wendy Haskell was hired by Defendant Sports 1 Marketing Corp. (“S1M”) as the
3 executive assistant to the President and co-owner of the company, NFL Hall of Famer Defendant Harold
4 Warren Moon (“Moon”), she was excited to advance her career in the sports industry with what she
5 believed to be a reputable company. What Ms. Haskell did not know at the time but would unfortunately
6 come to learn was that, despite his public persona, Moon had a dark and twisted side that commanded far more
7 than just executive assistant services from his newly hired employee. Soon after she began her employment,
8 Moon demanded Ms. Haskell submit to a variety of unnerving sexual and perverse controlling arrangements,
9 including sleeping in the same bed with him on all business trips, providing him unfettered access to the
10 bathroom every time she showered, wearing skimpy lingerie while in the obligatory single room, obtaining
11 prior approval for her wardrobe, and being subjected to continuous unwanted and unsolicited sexual advances.
12 Whenever Ms. Haskell expressed reservations about these outrageous “job duties”, Moon insisted this was
13 “just the way it is”, and threatened Ms. Haskell that unless she was “comfortable” with him, he’d “find
14 someone else who was”. Moon insisted these “requirements” were part of the job, and made clear that Ms.
15 Haskell’s employment depended on her acceptance and compliance with Moon’s lascivious behavior,
16 demands and orders.
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19 2. During the course of her employment, Ms. Haskell’s attempts to stave off Moon’s
20 inappropriate sexual advances and controlling behavior only served to enrage Moon, and overwhelmed Ms.
21 Haskell to a point of physical and emotional exhaustion, all of which proved too much to bear. Although she
22 knew it would most likely mean losing her job, Ms. Haskell summoned the courage to report Moon’s sexual
23 harassment and reprehensible misconduct to the company’s CEO, David Meltzer (“Meltzer”). Inexplicably,
24 S1M did nothing to stop Moon’s unlawful tortious behavior toward her. The company did not conduct an
25 investigation, nor did it reprimand him. Instead, S1M’s CEO disgracefully ordered Ms. Haskell to continue
26 with her job duties, and essentially, just *tough it out*. And, while the company ignored Ms. Haskell’s
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1 complaints, Moon's outrageous predatory conduct escalated in violent behavior, including surreptitiously
2 drugging her drink and despite her pleas to stop, ripping off her clothes.

3 3. Making matters worse for Ms. Haskell, not only did S1M fail to protect her from the maniacal
4 abuse, but it also retaliated against her by demoting her, slashing her pay, and continuing to subject her to a
5 hostile work environment. Ms. Haskell is a victim, but she will not remain silent. Indeed, the recently
6 published, shocking revelations about the magnitude of sexual misconduct, which has captured the attention
7 of our nation, has given victims a new voice to finally express what has gone on for far too long. The abuse
8 of power as demonstrated by the company's President, Warren Moon, reveals that even our beloved sports
9 heroes are not always who they portray themselves to be.
10

11 **THE PARTIES**

12 4. At all times herein mentioned, Plaintiff Wendy Haskell ("Plaintiff" or "Ms. Haskell") was,
13 and now is, an individual residing in Orange County, State of California.
14

15 5. Upon information and belief, at all times herein mentioned, Defendant Sports 1 Marketing
16 Corp. was, and now is, a Delaware corporation authorized to do business in the State of California, and
17 doing business in this judicial district.

18 6. Upon information and belief, at all times herein mentioned, Defendant Harold Warren Moon
19 was, and now is, an individual residing in the State of Washington. Defendant Moon is the President and an
20 owner of Defendant S1M.
21

22 7. The true names and capacities of Defendants DOES 1 through 10, inclusive, are unknown to
23 Plaintiff, who therefore, sues such DOE Defendants by such fictitious names. Plaintiff will amend this
24 Complaint to show the true names and capacities of such DOE Defendants when same have been ascertained.
25

26 8. Plaintiff is informed and believes and thereon alleges that each Defendant is responsible in
27 some manner and/or capacity for all of the acts and omissions alleged herein, and damages proximately caused
28 thereby. Plaintiff is also informed and believes and thereon alleges that at all times relevant herein, each

1 Defendant was the agent, servant, employee, partner, co-venturer, assignee, delegatee or attorney-in-fact of
2 each of the remaining Defendants and, in doing the acts and things alleged in this Complaint, was acting within
3 the course and scope of said agency, service, employment, partnership, joint venture, assignment, delegation
4 or attorney-in-fact relationship. Moreover, Plaintiff is informed and believes and thereon alleges Defendants,
5 and each of them, acted or omitted to act as alleged herein, participated with, aided and abetted, or ratified and
6 authorized the acts and omissions of the other Defendants as alleged herein, and as such, each Defendant is
7 jointly and severally liable to Plaintiff.
8

9 **JURISDICTION AND VENUE**

10 9. Venue properly lies with this Court as the employment agreement was entered into in
11 Orange County and was to be performed in Orange County, and a substantial portion of the material events
12 or omissions upon which the within claims are based occurred in this judicial district.

13 10. This Court has personal jurisdiction over Defendants because SIM is registered to do
14 business in the State of California, and a substantial portion of the material events or omissions upon which
15 the within claims are based occurred in the State of California.
16

17 11. All conditions precedent to bringing this action, if any, have been performed, fulfilled or
18 waived.
19

20 **EXHAUSTION OF REMEDIES**

21 12. Prior to the filing of this action, Plaintiff adequately filed her complaint with the California
22 Department of Fair Employment and Housing (“DFEH”) alleging that the acts of Defendants constituted
23 multiple violations of California’s Fair Employment and Housing Act (“FEHA”), Government Code
24 Section 12900 *et. seq.* In response, Plaintiff received the “right to sue” letter from the DFEH against each
25 named Defendant, and subsequently brought this action on a timely basis.
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FACTS COMMON TO ALL CAUSES OF ACTION

1
2 13. In early July 2017, S1M employed Ms. Haskell as executive assistant to Defendant Moon
3 and to pursue business development for the company. As executive assistant for Moon, Ms. Haskell's
4 primary responsibilities included, but were not limited to: coordinating and managing Moon's calendar
5 inclusive of scheduling appointments and appearances; responding to fan emails; vetting appearance and
6 interview requests; handling communications related to Moon's Hall of Fame Board meetings/duties and
7 requests; functioning as Moon's handler in connection with appearances, interviews, charity events, and
8 the general public; arranging travel and restaurant accommodations; acting as a liaison between Moon and
9 S1M employees; handling his personal finances; attending to essentially all of Moon's business and
10 personal errands; and accompanying Moon on business trips to perform many of the same functions.

11
12 14. In addition to her duties as executive assistant to Moon, Ms. Haskell also had business
13 development responsibilities for S1M, including generating new leads and securing sponsorships for S1M;
14 obtaining appearances and speaking engagements for Moon and David Meltzer; soliciting athletes and
15 celebrities to attend Meltzer's podcast and S1M events; acting as a project manager to focus on driving
16 growth and revenue for S1M; and engaging in other related corporate responsibilities.

17
18 15. During Ms. Haskell's employment with S1M, Moon traveled, on an almost weekly basis,
19 for business to various national and international destinations. As required, Ms. Haskell accompanied
20 Moon on these business trips.

21
22 16. It was on her first business trip with Moon as his executive assistant to Las Vegas where he
23 began his inappropriate sexual advances and misconduct toward Ms. Haskell by requiring her to adhere to
24 a demeaning and degrading protocol replete with sexual innuendo, overtone and perverted acts.

25
26 17. For example, Moon required Ms. Haskell to not only stay in his hotel room, but to share his
27 bed. As improper as this sleeping arrangement was, Moon explained to her that *this was the way it was*,
28 and attempted to normalize it by claiming that his prior assistant accepted the same arrangement.

1 18. On the next business trip, Moon added to the protocol that Ms. Haskell be required to keep
2 the bathroom door unlocked when she used the shower on the pretense he might need to use the bathroom.
3 Not surprisingly, Moon entered the bathroom on every occasion while Ms. Haskell was showering.

4 19. Moon reiterated to Ms. Haskell on this trip, and on many occasions thereafter, that she
5 needed “to be comfortable” with him and this travel protocol.

6 20. On subsequent trips, Moon’s inappropriate behavior escalated whereby he demanded that
7 Ms. Haskell remove her shorts before going to sleep and ordered her instead to wear skimpy thong lingerie
8 bottoms.

9 21. Moon’s exertion of control over what Ms. Haskell wore did not stop there. He also required
10 Ms. Haskell wear only lingerie any time she was in the room. If she dared resist or failed to follow his
11 command, Moon became aggressive even to the extent of pulling her shorts down. In some instances, Ms.
12 Haskell learned that Moon had photographed her while she was partially unclothed and not looking.

13 22. On at least two separate occasions, Moon’s abusive behavior included attempts to pull Ms.
14 Haskell’s shirt off.

15 23. Moon also demanded Ms. Haskell provide him by text message pictures of her outfits for
16 his approval prior to any public appearances, which were frequent.

17 24. Rather than heed Ms. Haskell’s unmistakable requests for Moon to stop his abhorrent
18 behavior, Moon escalated his aggressive, sex-charged conduct toward her. On a business trip in Seattle,
19 for example, Moon grabbed Ms. Haskell’s crotch while she was sleeping. Startled out of her sleep, Ms.
20 Haskell managed to push Moon’s hand away from her genitalia and said “no!” But, she had to endure the
21 remainder of the night with him sleeping with his hand on her buttocks.

22 25. Ms. Haskell did not consent to any of Moon’s inappropriate advances, conduct or touching,
23 and during the course of her employment, Ms. Haskell expressed to Moon that she was uncomfortable and
24 troubled by his behavior. In response, however, Moon simply threatened that her job depended on her
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1 compliance with his demands, and indicated such with increased aggression.

2 26. For example, on October 6, 2017, Ms. Haskell told Moon that while she loved working at
3 S1M, she was very uncomfortable with the travel sleeping arrangements and shower protocol. Moon
4 replied with his mantra that if she wasn't completely "comfortable" with it, or him, then she could not work
5 for him. Later that evening after dinner with some of the company's officers, when dropping Ms. Haskell
6 off at her home, Moon claimed he had to use the bathroom. After purportedly doing so, Moon approached
7 Ms. Haskell and tried to remove her clothing. She stopped him and asked him to leave.
8

9 27. Enraged by Ms. Haskell's rejection the prior evening, early in the morning of October 7,
10 2017, Moon sent an email to Ms. Haskell stating that if she was not comfortable with his demands, he
11 would "find someone who doesn't have inhibitions about this job."
12

13 28. Anxiously attempting to save her job, Ms. Haskell called Moon to try to calm him down.
14 Explaining to her, yet again, that "this is the way it is," he reiterated that he would simply find someone
15 who would be "comfortable" with the arrangement.
16

17 29. Physically and emotionally exhausted from the toll of staving off Moon's unwanted
18 advances, on October 9, 2017, Ms. Haskell summoned her courage and through a sea of tears reported the
19 details of Moon's sexual harassment to S1M's CEO, David Meltzer. To Meltzer, she detailed the business
20 trip sleeping and shower arrangements, the unwelcome and offensive touching, and the inappropriate
21 sexual advances.
22

23 30. Meltzer did not initiate or conduct an investigation of Ms. Haskell's allegations of Moon's
24 sexual harassment, and took no steps to prevent or correct Moon's abusive and inappropriate conduct
25 towards her.
26

27 31. Instead, Meltzer instructed Ms. Haskell to continue performing her duties as executive
28 assistant to Moon, and instructed her to accompany Moon, as planned, on an upcoming trip to Cabo.
Clearly, S1M did not consider Ms. Haskell's complaints or Moon's lascivious conduct a serious matter

1 despite being on notice that Moon's sexual harassment was more than likely to continue in Cabo.

2 32. Specifically, prior to the Cabo trip, Moon disseminated an email to the participating
3 employees and their guests informing them that they were required to abide by a certain "dress code,"
4 including that the women wear "neon G-strings," and warning that "[t]here [would] be severe penalties if
5 you are there without the required wardrobe..."

6 33. And, in a half-hearted attempt to address Ms. Haskell's very real concerns, Meltzer stated
7 that he would "change" her position *after* the Cabo trip. He also advised her not to discuss the matter with
8 Moon so as to not upset him.

10 34. As instructed, on October 11, 2017, Ms. Haskell traveled to Cabo with Moon and other S1M
11 personnel including Meltzer. Of no surprise, Moon's unlawful behavior continued.

12 35. On the evening after Meltzer's departure from Cabo, who had stayed on for just the first
13 few days, Moon slipped a drug into Ms. Haskell's drink without her knowledge or consent.

14 36. Feeling strange after ingesting the drink, Ms. Haskell asked Moon if he had put something
15 in her drink.

16 37. Laughing, Moon admitted he drugged Ms. Haskell. He said he did so because he thought
17 she was not "having fun."

18 38. During the Cabo trip, Moon also continued his other degenerate behavior by pulling Ms.
19 Haskell's bathing suit off while they were on the beach despite her pleas with him to stop.

20 39. Emotionally distraught, on October 16, 2017, when she was first back in the office, Ms.
21 Haskell again asked to speak with Meltzer. Sobbing, Ms. Haskell reported to Meltzer the details of Moon's
22 inappropriate and abusive behavior during the Cabo trip, including that Moon admitted to drugging her and
23 had pulled her bathing suit off despite her pleading with him to stop.

24 40. After feigning an apology, Meltzer shockingly stated that he thought Ms. Haskell "could
25 handle Warren better than his other assistants because [she] was older."
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1 41. Meltzer eventually proposed switching Ms. Haskell's position to her working directly with
2 him instead of Moon. Concerned only about stroking Moon's ego, however, Meltzer indicated that he
3 wanted Moon to believe it was Moon's idea to have Ms. Haskell's position changed. Meltzer also
4 instructed Ms. Haskell to avoid Moon, but to continue forwarding emails to Moon through this transition
5 period.

6 42. This so-called "solution" was nothing more than pretext for discrimination and retaliation.
7 On or about October 24, 2017, Meltzer and S1M's Chief Operating Officer, Derek Shaw ("Shaw"),
8 presented Ms. Haskell with a new employment agreement, which although they characterized as a
9 promotion, was in fact a demotion as it substantially reduced Ms. Haskell's compensation.
10

11 43. At all times material hereto, Ms. Haskell was in all respects qualified to perform the job of
12 executive assistant, and had at all times performed her job duties competently and diligently throughout
13 her employment with S1M.
14

15 44. As a result, when Ms. Haskell was asked to sign the new employment contract cutting her
16 pay, a handbook acknowledgement and a Non-Disclosure Agreement, clearly designed to sweep Moon's
17 unlawful behavior under the rug, she did not.

18 45. Thereafter, S1M and Moon would make it difficult for Ms. Haskell to work with S1M.
19 Immediately prior to handing Ms. Haskell her demotion contract, Moon emailed Ms. Haskell stating that
20 "[w]e have to get someone in your position asap," and that she "should probably not attend any social or
21 work functions for a while so there is no awkwardness or uncomfortableness by either of us."
22

23 46. Despite Moon's clear desire to push Ms. Haskell out of the company and the obvious risk
24 that Ms. Haskell and Moon would come into close proximity with one another, to avoid losing potentially
25 lucrative contacts of Ms. Haskell, S1M instructed Ms. Haskell to continue performing her job duties, and
26 attend the upcoming Rose Bowl Series Speakers event, at which Ms. Haskell had guests appearing,
27 including a guest speaker.
28

1 47. Although Ms. Haskell expressed appreciable concern at the prospect of running into Moon
2 at the event, Meltzer stressed that she needed to attend the event and advised her to “just stay apart”, and
3 “do what he [Moon] asks.”

4 48. When the inevitable happened and Moon saw Ms. Haskell at the Rose Bowl Speaker Series
5 event on October 26th, he sent her a text message stating: “so much for staying out of my way. You just
6 don’t listen....”.

7 49. Immediately thereafter, Shaw approached Ms. Haskell while she was speaking with a client,
8 interrupted the conversation, and requested she step outside. Shaw and Meltzer then advised Ms. Haskell
9 that Moon wanted her to leave the event.
10

11 50. Ultimately, Ms. Haskell was forced to sit in a back room away from the guests.
12 Overwhelmed, Ms. Haskell again broke down in tears. Seeing Ms. Haskell visibly shaken, Meltzer
13 instructed Ms. Haskell to “center herself” and not to let it bother her.
14

15 51. As a result of this, Ms. Haskell suffered humiliation and emotional distress in front of peers
16 and invited guests.

17 52. The magnitude of the hostility and embarrassment forced Ms. Haskell to take a personal day
18 away from the office. Amplifying Ms. Haskell’s emotional distress, upon her return to work, Meltzer
19 instructed Ms. Haskell, allegedly at Moon’s behest, to send a false email to Moon’s clients, friends, and
20 family in which she was to explain that she received a “promotion,” and as a result, would no longer be
21 working as Moon’s assistant. Ms. Haskell indicated she was uncomfortable sending the “promotion” email.
22 Despite Meltzer’s continued insistence, she did not send the email.
23

24 53. Because Moon was upset by Ms. Haskell’s refusal, SIM threatened to withhold payment
25 from Ms. Haskell for compensation she earned for initiating an appearance for Moon. SIM retracted the
26 threat, but then hinged payment on Ms. Haskell’s signing the new employment contract with the demotion.
27

28 54. As a result of Moon’s inappropriate sexual behavior and abusive conduct, and SIM’s

1 retaliation, hostile work environment, and failure to correct or protect Ms. Haskell from further abuse, Ms.
2 Haskell was forced to engage undersigned counsel.

3 **FIRST CAUSE OF ACTION**
4 **SEXUAL HARASSMENT IN VIOLATION OF FEHA**
5 **QUID PRO QUO**
6 **(Against Defendants Moon and S1M)**

7 55. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
8 herein.

9 56. At all times herein mentioned, FEHA, Cal. Gov't Code §§ 12900, *et seq.*, was in full force
10 and effect and was fully binding upon Defendants. Pursuant to § 12940(j), it is unlawful for an employer,
11 because of sex, to sexually harass an employee.

12 57. At all times material, Ms. Haskell was an employee at Defendant S1M.

13 58. Defendant S1M's President, Defendant Moon, was Ms. Haskell's direct supervisor during
14 her employment with S1M.

15 59. While acting in the course and scope of his employment with Defendant S1M, Defendant
16 Moon sexually harassed Ms. Haskell in violation of Cal. Gov't Code § 12940, by making unwanted sexual
17 advances to Ms. Haskell, and engaging in other unwanted verbal and physical conduct of a sexual nature
18 as set forth herein in ¶¶ 16-28, 32, and 34-38.

19 60. Defendant Moon made clear, by his words and by his conduct, that Ms. Haskell's job was
20 conditioned on the Ms. Haskell's acceptance of Defendant Moon's sexual advances and inappropriate
21 sexual conduct.

22 61. Ms. Haskell refused Defendant Moon's unwanted and unsolicited sexual advances, requests
23 and demands for sexual compliance, as described herein.

24 62. As a result of Ms. Haskell's refusals of Defendant Moon's inappropriate advances,
25 Defendant S1M demoted Ms. Haskell in her position at S1M, and her compensation was reduced
26 significantly.
27
28

1 63. As a direct and proximate cause of the conduct alleged herein, Ms. Haskell has suffered and
2 continues to suffer physical and emotional injuries, economic damages, including lost earnings,
3 noneconomic damages, including, without limitation, humiliation, embarrassment and discomfort, physical
4 and mental emotional distress and anguish, all to Ms. Haskell's damages in an amount to be proven at trial
5 but in excess of the jurisdictional threshold of this court.

6 64. Defendants, and each of them, by the acts of its managing agents, officers and/or directors
7 in the aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive
8 and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of
9 Ms. Haskell, thereby justifying the award of punitive and exemplary damages, against Defendants, in an
10 amount to be determined at trial.

11 65. As a result of Defendants' discriminatory acts as alleged herein, Ms. Haskell is entitled to
12 reasonable attorneys' fees and costs of said suit as provided by Cal. Gov't Code Section 12965.

13
14
15 **SECOND CAUSE OF ACTION**
16 **SEXUAL HARASSMENT IN VIOLATION OF FEHA**
17 **HOSTILE WORK ENVIRONMENT**
18 **(Against Defendants Moon and S1M)**

19 66. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
20 herein.

21 67. At all times herein mentioned, FEHA, Cal. Gov't Code §§ 12900, *et seq.*, was in full force
22 and effect and was fully binding upon Defendants. Pursuant to § 12940(j), is unlawful for an employer,
23 because of sex, to sexually harass an employee.

24 68. At all material times, Ms. Haskell was an employee at Defendant S1M.

25 69. During her employment, Defendant S1M's President, Defendant Moon, was Ms. Haskell's
26 direct supervisor.

27 70. The actions of Defendant Moon while acting in his scope and course of employment as the
28 President of S1M, including Defendant Moon's sexual advances, conduct and comments towards Ms.

1 Haskell as described herein at ¶¶ 16-28, 32, and 34-38, were unwelcomed, unwanted and uninvited by Ms.
2 Haskell.

3 71. Defendant Moon's conduct toward the Ms. Haskell was based on the fact that Ms. Haskell
4 is a person of the female sex, and was so severe and pervasive that it materially altered the conditions of
5 Ms. Haskell's employment and created an abusive and hostile working environment in violation of Cal.
6 Gov't Code § 12940.

7
8 72. As a direct and proximate cause of the conduct alleged herein, Ms. Haskell has suffered and
9 continues to suffer physical and emotional injuries, economic damages, including lost earnings,
10 noneconomic damages, including, without limitation, humiliation, embarrassment and discomfort, physical
11 and mental emotional distress and anguish, all to Ms. Haskell's damages in an amount to be proven at trial
12 but in excess of the jurisdictional threshold of this court.

13
14 73. Defendants, and each of them, by the acts of its managing agents, officers and/or directors
15 in the aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive
16 and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of
17 Ms. Haskell, thereby justifying the award of punitive and exemplary damages, against Defendants, in an
18 amount to be determined at trial.

19
20 74. As a result of Defendants' discriminatory acts as alleged herein, Ms. Haskell is entitled to
21 reasonable attorneys' fees and costs of said suit as provided by Cal. Gov't. Code Section 12965.

22 **THIRD CAUSE OF ACTION**
23 **DISCRIMINATION BASED ON SEX**
24 **IN VIOLATION OF FEHA**
(Against Defendant SIM)

25 75. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
26 herein.

27 76. At all times herein mentioned, FEHA, Cal. Government Code § 12940 *et seq.*, was in full
28 force and effect and fully binding upon Defendant.

1 77. Ms. Haskell was a member of a group protected by the statute, in particular section
2 12940(a), prohibiting discrimination in employment based on sex.

3 78. Ms. Haskell was employed by Defendant S1M as the executive assistant to Defendant
4 Moon.

5 79. During the course of her employment at Defendant S1M, Ms. Haskell was subjected to
6 sexual harassment by Defendant Moon as specifically set forth in ¶¶16-28, 32, and 34-38.

7
8 80. On multiple occasions, Ms. Haskell expressed her opposition to Moon's sexually harassing
9 behavior, and reported the inappropriate conduct to Defendant S1M's CEO, David Meltzer.

10 81. In response to Ms. Haskell's complaints, Defendant S1M demoted Ms. Haskell by reducing
11 Ms. Haskell's job responsibilities and significantly cutting her pay.

12 82. As of the start date of employment with Defendant S1M, and at all times herein mentioned,
13 Ms. Haskell was in all respects qualified for her position as an executive assistant, and had at all times
14 performed her job duties competently and diligently throughout her employment with S1M.

15
16 83. Defendant S1M's alleged reasons for the demotion while calling it a promotion, were a
17 pretext to the discriminatory nature of the demotion.

18 84. Defendant S1M's demotion of Ms. Haskell's position at S1M constitutes disparate treatment
19 in violation of Cal. Gov. Code, § 12940 in that Defendant S1M intentionally demoted Ms. Haskell because
20 of Ms. Haskell's acts in opposition to sex discrimination, and because of the fact that Ms. Haskell is a
21 person of female sex.

22
23 85. As a direct and proximate cause of the conduct alleged herein, Ms. Haskell has suffered and
24 continues to suffer physical and emotional injuries, economic damages, including lost earnings,
25 noneconomic damages, including, without limitation, humiliation, embarrassment and discomfort, physical
26 and mental emotional distress and anguish, all to Ms. Haskell's damages in an amount to be proven at trial
27 but in excess of the jurisdictional threshold of this court.
28

1 86. Defendant S1M, by the acts of its managing agents, officers and/or directors in the
2 aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and
3 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of Ms.
4 Haskell, thereby justifying the award of punitive and exemplary damages, against Defendant S1M, in an
5 amount to be determined at trial.

6 87. As a result of Defendant S1M's discriminatory acts as alleged herein, Ms. Haskell is entitled
7 to reasonable attorneys' fees and costs of said suit as provided by Cal. Govt. Code Section 12965.
8

9 **FOURTH CAUSE OF ACTION**
10 **FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT**
11 **(Against Defendant S1M)**

12 88. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
13 herein.

14 89. At all times herein mentioned, FEHA, Cal. Gov't Code §§ 12900, *et seq.*, was in full force
15 and effect and was fully binding upon Defendant. Section 2940(k) makes it an unlawful employment
16 practice for an employer to fail to take all reasonable steps necessary to prevent sexual harassment from
17 occurring.

18 90. At all material times, Ms. Haskell was an employee at Defendant S1M.

19 91. During the course of her employment at Defendant S1M, Ms. Haskell was subjected to
20 sexual harassment by Defendant Moon as specifically set forth in ¶¶ 16-28, 32, and 34-38.
21

22 92. Ms. Haskell made multiple complaints to Defendant S1M's CEO, David Meltzer about the
23 sexually harassing and abusive behavior of Defendant Moon.

24 93. Despite having been warned, in detail, of Defendant Moon's misconduct, Defendant S1M
25 failed to adequately investigate Defendant Moon's behavior, failed to discipline Defendant Moon and
26 otherwise failed to take any reasonable steps to prevent him from further harassing Ms. Haskell.
27

28 94. At all relevant time periods, Defendant S1M's failure to make an adequate inquiry or take any

1 steps to address Moon's harassing conduct as described above established a policy, custom, practice or usage,
2 which condoned, encouraged, tolerated, sanctioned, ratified, approved of, and/or acquiesced in harassment
3 against women employees, including, but not limited to, Ms. Haskell.

4 95. Ms. Haskell is informed and believes, and thereon alleges, that during all relevant time periods,
5 Defendant S1M failed to provide adequate or any training and education to its personnel and most particularly
6 to its management and supervisory personnel regarding its discrimination and harassment policies and
7 procedures. Defendant S1M knew or reasonably should have known that such failure would result in
8 discrimination and/or harassment against female employees such as Ms. Haskell. Such failure on the part of
9 Defendant S1M constituted deliberate indifference to the rights of female employees, including, but not limited
10 to, Ms. Haskell under Cal. Gov't Code §§ 12940(k).
11

12 96. Defendant S1M's failure to prevent and/or stop the harassment described herein
13 compounded and exacerbated the physical and emotional injuries Ms. Haskell was already suffering as a
14 result of the unlawful conduct described above. As a proximate result of S1M's conduct as described more
15 fully above, Ms. Haskell has suffered and continues to suffer economic damages, including lost earnings,
16 noneconomic damages, including, without limitation, humiliation, embarrassment and discomfort, physical
17 and mental emotional distress and anguish, all to Ms. Haskell's damages in an amount to be proven at trial
18 but in excess of the jurisdictional threshold of this court.
19

20 97. Defendant S1M, by the acts of its managing agents, officers and/or directors in the
21 aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and
22 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of Ms.
23 Haskell, thereby justifying the award of punitive and exemplary damages, against Defendant S1M, in an
24 amount to be determined at trial.
25

26 98. As a result of Defendants S1M's unlawful acts as alleged herein, Ms. Haskell is entitled to
27 reasonable attorneys' fees and costs of said suit as provided by Cal. Govt. Code Section 12965.
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FIFTH CAUSE OF ACTION
RETALIATION
(Against Defendant S1M)

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3 99. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
4 herein.

5 100. At all times herein mentioned, FEHA was in full force and effect and was fully binding
6 upon Defendant. Section 12940(h) makes it an unlawful employment practice for an employer to
7 discriminate against any person because the person has opposed any practices forbidden under this part.
8

9 101. At all material times, Ms. Haskell was employed by Defendant S1M as the executive
10 assistant to S1M's President, Defendant Moon.

11 102. During the course of her employment at S1M, Ms. Haskell was subjected to sexual
12 harassment by Defendant Moon as specifically set forth in ¶¶ 16-28, 32, and 34-38.

13 103. On multiple occasions, Ms. Haskell expressed her opposition to Defendant Moon's sexually
14 harassing behavior, and reported the inappropriate conduct to Defendant S1M's CEO, David Meltzer.
15

16 104. In response to her reports and complaints, Defendant S1M retaliated against Ms. Haskell by
17 demoting her with a significant pay cut in violation of Cal. Gov't Code § 12940 and the California
18 Constitution that provides employees be free from retaliation.

19 105. Ms. Haskell's reporting Defendant Moon's unlawful conduct was a substantial and
20 motivating factor for Defendant S1M's retaliation against Ms. Haskell.
21

22 106. As a direct and proximate cause of the conduct alleged herein, Ms. Haskell has suffered and
23 continues to suffer physical and emotional injuries, economic damages, including lost earnings,
24 noneconomic damages, including, without limitation, humiliation, embarrassment and discomfort, physical
25 and mental emotional distress and anguish, all to Ms. Haskell's damages in an amount to be proven at trial
26 but in excess of the jurisdictional threshold of this court.
27

28 107. Defendant S1M, by the acts of its managing agents, officers and/or directors in the

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aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of Ms. Haskell, thereby justifying the award of punitive and exemplary damages, against Defendant S1M, in an amount to be determined at trial.

108. As a result of Defendant S1M's unlawful acts as alleged herein, Ms. Haskell is entitled to reasonable attorneys' fees and costs of said suit as provided by California Government Code Section 12965(b).

SIXTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Defendants S1M and Moon)

109. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth herein.

110. As described herein, Defendants, and each of them, engaged in extreme and outrageous conduct by intentionally and recklessly subjecting Ms. Haskell to, and permitting her to be subjected to, unwanted, unwelcome, and non-consensual sexual advances, physical and verbal abuse, battery, harassment, discrimination and retaliation as described herein.

111. Defendants, and each of them, ratified such conduct by failing and refusing to take any and all reasonable steps necessary to prevent such conduct from occurring, by failing to take appropriate corrective action following such conduct and, in the case of Defendant Moon, who held a supervisory position with Defendant S1M, by engaging in such unlawful abusive conduct.

112. Defendants' conduct was willful, wanton, intentional, outrageous, malicious, and acted with the intent, or in reckless disregard of the probability, of causing emotional distress to Ms. Haskell.

113. As an actual and proximate cause of Defendants' outrageous conduct, Ms. Haskell was humiliated, became terrified and anxious and has suffered and continues to suffer damages including severe and extreme mental and emotional distress, which nature and extent of which are not presently known to

1 Ms. Haskell.

2 114. Defendants, by the acts of its managing agents, officers and/or directors in the
3 aforementioned acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and
4 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and safety of Ms.
5 Haskell, thereby justifying the award of punitive and exemplary damages, against Defendants, in an amount
6 to be determined at trial.

7
8 **SEVENTH CAUSE OF ACTION**
9 **NEGLIGENT RETENTION & SUPERVISION**
10 **(Against Defendant S1M)**

11 115. Ms. Haskell hereby incorporates by reference ¶¶ 1 through 54 of this Complaint as if fully
12 set forth herein.

13 116. Defendant Moon is employed as the President of Defendant S1M.

14 117. Defendant S1M, by and through its agents and employees, knew or reasonably should have
15 known through reasonable investigation of Defendant Moon's propensity for unlawful sexual harassment
16 and/or physical aggressive behavior.

17 118. Defendant S1M had a duty to terminate or, at the very least, provide reasonable supervision
18 of Defendant Moon given his wrongful, dangerous, and sexually depraved propensities.

19 119. Defendant S1M negligently retained and/or failed to exercise reasonable care to adequately
20 supervise Defendant Moon in his position as President of S1M and to prevent him from committing the
21 wrongful acts complained of herein against Ms. Haskell.

22 120. As an actual and proximate cause of Defendant S1M's negligent retention and failure to
23 supervise Defendant Moon, Ms. Haskell has suffered and continues to suffer physical pain, humiliation,
24 embarrassment, mental and emotional distress, and discomfort, all to her damage in an amount in excess
25 of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.
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EIGHTH CAUSE OF ACTION
SEXUAL BATTERY
(Against Defendant Moon)

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3 121. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
4 herein.

5 122. Defendant Moon intended to cause offensive and/or harmful contact with Ms. Haskell's
6 body, including touching her genitalia and buttocks, and pulling off her clothes.

7 123. A sexually offensive contact with Ms. Haskell resulted.

8 124. Ms. Haskell did not consent to the touching.

9 125. Ms. Haskell was harmed and offended by Defendant Moon's conduct.

10 126. As an actual and proximate cause of Defendant Moon's offensive conduct, Ms. Haskell has
11 suffered and continues to suffer physical pain, humiliation, embarrassment, mental and emotional distress,
12 and discomfort, all to her damage in an amount in excess of the minimum jurisdiction of this Court, the
13 precise amount of which will be proven at trial.
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16 127. Defendant Moon, in the aforementioned acts and/or ratifying such acts, engaged in willful,
17 malicious, intentional, oppressive and despicable conduct, and acted with willful and conscious disregard
18 of the rights, welfare and safety of Ms. Haskell, thereby justifying the award of punitive and exemplary
19 damages, against Moon, in an amount to be determined at trial.
20

NINTH CAUSE OF ACTION
BATTERY
(Against Defendant Moon)

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23 128. Ms. Haskell realleges and incorporates ¶¶ 1 through 54 of this Complaint as if fully set forth
24 herein.

25 129. Defendant Moon intended to cause harmful and/or offensive contact to Ms. Haskell when
26 he put a drug in her drink.

27 130. Ms. Haskell did not consent to Defendant Moon's conduct.
28

1 131. Ms. Haskell was harmed and offended by Defendant Moon's conduct.

2 132. As an actual and proximate cause of Defendant Moon's offensive conduct, Ms. Haskell has
3 suffered and continues to suffer physical pain, humiliation, embarrassment, mental and emotional distress,
4 and discomfort, all to her damage in an amount in excess of the minimum jurisdiction of this Court, the
5 precise amount of which will be proven at trial.

6 133. Defendant Moon, in the aforementioned acts and/or ratifying such acts, engaged in willful,
7 malicious, intentional, oppressive and despicable conduct, and acted with willful and conscious disregard
8 of the rights, welfare and safety of Ms. Haskell, thereby justifying the award of punitive and exemplary
9 damages, against Defendant Moon, in an amount to be determined at trial.

10
11 **PRAYER FOR RELIEF**

12 WHEREFORE, Ms. Haskell prays for judgment against Defendants as follows:

- 13 (1) For compensatory damages against each Defendant in the amount exceeding the
14 jurisdictional limits of this Court according to proof at trial;
15
16 (2) For general, incidental, and consequential damages against each Defendant in the amount
17 exceeding the jurisdictional limits of this Court according to proof at trial;
18
19 (3) For exemplary and punitive damages against each Defendant exceeding the jurisdictional
20 limits of this Court according to proof at trial;
21
22 (4) For reasonable attorney's fees incurred by reason of bringing this suit;
23
24 (5) For costs of suit incurred herein;
25
26 (6) For interest in damages as set forth herein; and
27
28 (7) For such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Ms. Haskell hereby demands trial by jury on all causes of action so triable.

1 Dated: December 4, 2017

Respectfully submitted,

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